



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 35/18

Date to Members: 07/09/2018

Member's Deadline: 13/09/2018 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

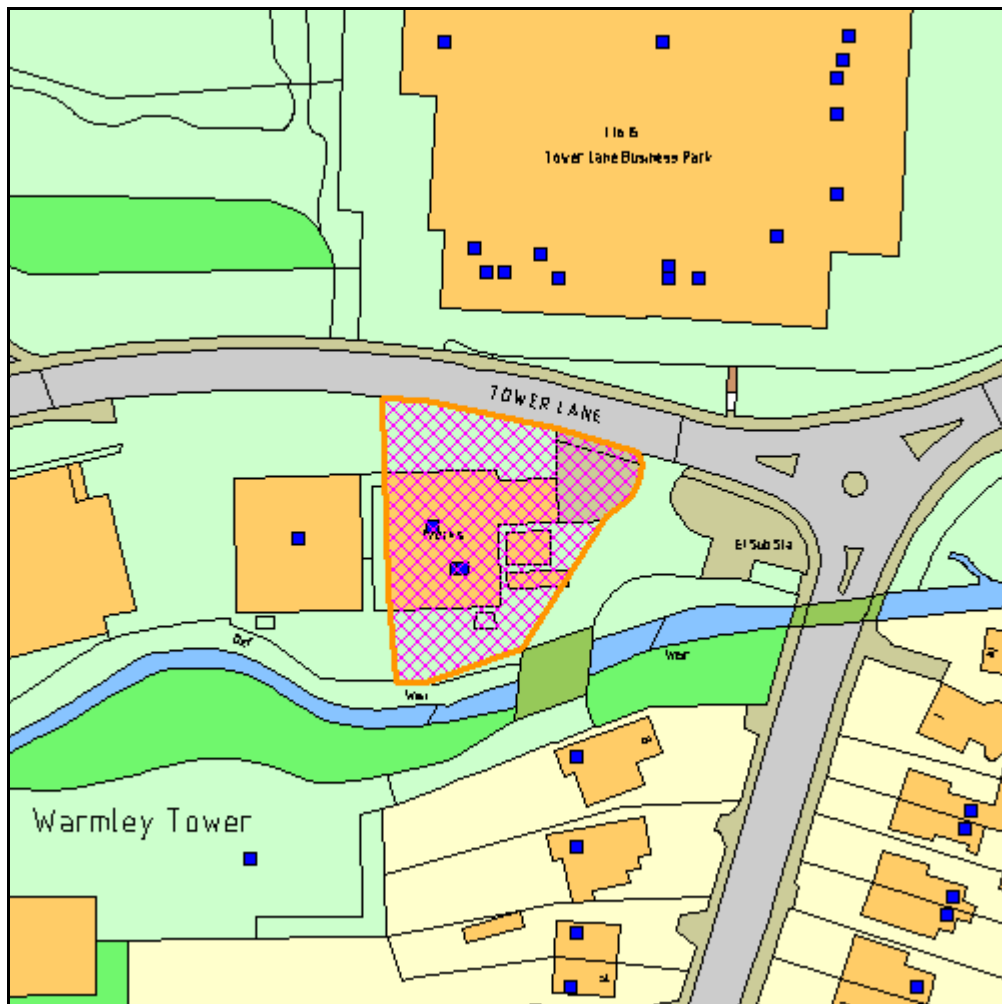
CIRCULATED SCHEDULE 07 September 2018

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/5524/F	Approve with Conditions	Factory B Tower Lane Warmley South Gloucestershire BS30 8XT	Siston	Siston Parish Council
2	PK18/2774/CLP	Approve with Conditions	The Barn Commonmead Lane Old Sodbury South Gloucestershire BS37 6LX	Cotswold Edge	Sodbury Town Council
3	PK18/3048/F	Approve with Conditions	43B Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TR	Rodway	None
4	PK18/3279/CLP	Approve with Conditions	28 Kelston Grove Hanham South Gloucestershire BS15 9NL	Hanham	Hanham Parish Council
5	PK18/3381/TRE	Approve with Conditions	Hunters Hall Kings Square Bitton South Gloucestershire BS30 6HR	Bitton	Bitton Parish Council
6	PT17/3698/O	Approved Subject to	Oakfield House Wotton Road Rangeworthy South Gloucestershire BS37 7LZ	Ladden Brook	Rangeworthy Parish Council
7	PT17/4047/F	Approve with Conditions	Land At Factory Road Winterbourne Near To 21 To 23 Factory Road Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
8	PT18/2355/F	Approve with Conditions	Former Filton Airfield South Gloucestershire BS99 7AR	Filton	Filton Town Council
9	PT18/2673/ADV	Approve with Conditions	1 Greenhill Parade Alveston South Gloucestershire	Thornbury South	Alveston Parish Council
10	PT18/3079/CLP	Approve with Conditions	37 Cleve Road Filton I South Gloucestershire BS34 7QF	Filton	Filton Town Council
11	PT18/3080/CLP	Approve with Conditions	35 Cleve Road Filton South Gloucestershire BS34 7QF	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PK17/5524/F	Applicant:	Tileflair Limited
Site:	Factory B Tower Lane Warmley Bristol South Gloucestershire BS30 8XT	Date Reg:	14th December 2017
Proposal:	Change of use from storage of goods and display units (Class B1 and B8) to mixed use for storage, display and sale of wall and floor tiles (Class B1, B2, B8 and Sui Generis) as defined in the Town and Country Planning (Use Classes) order 1987 (as amended).	Parish:	Siston Parish Council
Map Ref:	366893 172709	Ward:	Siston
Application Category:	Minor	Target Date:	18th January 2018



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 100023410, 2008. N.T.S. PK17/5524/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of a letter of objection, which would be contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use from storage of goods and display units (Class B1 and B8) to a mixed use for storage, display and sale of wall and floor tiles (Class B1, B2, B8 and Sui-Generis) at Factory B, Tower Lane, Warmley.
- 1.2 During the course of the application, a revised proposed block plan has been submitted to show the number of parking spaces within the site to address highway officer concerns.
- 1.3 The application relates to land on the south side of Tower Lane Warmley, and the site is located in the safeguarded employment site defined by Policy CS12 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. It is also situated within the Warmley Conservation Area and is adjacent Kingswood History Museum, which is a statutory listed building. It is also noted that a protected tree near the site entrance, but the proposed change of use would not adversely affect this existing tree.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP27	B8 Storage and Distribution Uses
PSP31	Town Centre Uses

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in favour of sustainable development
CS5	Location of development (inc. Green Belt)
CS9	Managing the environment and heritage
CS13	Non-safeguarded economic development sites
CS34	Rural Areas

- 2.3 Supplementary Planning Guidance
Development in the Green Belt (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK16/6446/F Removal of existing asbestos roof. Installation of raised roof.
Approved 11.01.2017
- 3.2 PK10/0749/F Erection of 1 no. portakabin. Approved 26.05.10
- 3.3 K2349/4 Construction of car parking area. Alteration to existing bridge.
Approved 22.05.92
- 3.4 K2349/3 Retention of relocatable office building (Renewal). Approved
05.06.87
- 3.5 K2349/2 Erection of relocatable office building. (Renewal). Approved
30.01.84
- 3.6 K2349/1 Erection of garage / store for company vehicles and construction
of additional car parking spaces. Approved 13.08.80
- 3.7 K2349 Erection of relocatable building. Approved 07.08.78

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
No adverse comments.

4.2 Other Consultees

Highway Officer: No objection.

Economic Development Officer: Support this application.

Listed Building and Conversation Officer: No comment.

4.3 Local Residents

One letter of objection was received and there is a concern regarding the existing parking problems and the proposed development would increase the pre-existing problems and the access issues. (Full comments are available in the Council's website).

5. **Principle of Development**

- 5.1 The site comprises two no. industrial and storage buildings and is situated within the urban area of Warmley (East side of Bristol). The proposal seeks planning permission for the change of use from B2/B8 to a mixed use of

storage, display and sale of wall and floor tiles (Class B1, B2, B8 and Sui-Generis)

5.2 Sui-Generis use

Members are advised that it is generally very difficult to distinguish between the use of the building as trade merchants and retail business. Officers advise that such an enterprise, were it primarily a wholesale warehouse, but containing showcase to demonstrate various tiles products to "the trade" could be classified as B8. However, the reality is that business such as this - where the use is mainly one of 'sale, display or service...to members of the public' would fall within the A1 use class. In this instance, officers consider that the proposed use can be considered as being 'sui-generis' as there was no clear distinction between the retail and wholesale aspects .i.e. the proposal is unique in that it does not fit neatly within either B8 or A1 use class.

5.3 There is no specific policy in the adopted Local Plan or adopted Core Strategy to the proposed wholesale warehouse or merchants in the safeguarded employment area. However, the most relevant policies for the determination of this part of the proposal are Policies PSP27 and PSP31 of the adopted Local Plan and Policies CS13 and CS34 of the adopted Core Strategy.

5.4 Background of the proposal

The applicant has indicated that the company was established since 1972 and currently has 10 branches, including the premises in Longwell Green and Cribbs Causeway, in the country. Their business is to supply wall and floor tiles directly to tiles fixers, who have contracts with housebuilders and other business partners, in the locality. The Longwell Green premises currently provide services to tile fixers in the East of Bristol, including Kingswood and Hanham area. The applicant confirmed that their business transaction are predominately trade account although there are some walk-in customers. The business currently have over 1,000 products and need adequate floor space to display their products so that their potential customers can view the finishes of tiles products. It is the applicant's intention to relocate the existing premises from Longwell Green site to the application site. Currently, they employ 6 no. equivalent full time staff. The agent has also advised that the unit in this application site has been vacant for a while, the floor space of the premises in the application site is smaller than the site in Longwell Green.

5.5 Whilst officers acknowledge that the proposal would generate a degree of retail transactions and it would be difficult to monitor each sale transactions, the applicant has indicated that the proportion of such retail business would only be very small in scale due to the nature of the business. Furthermore, they offer trade discount to tiles fixers, who work with large housing developers, therefore the proportion business with walk-in customer is relatively small comparing to the scale of the entire business. Given that their business is expanding in South West region, they have already secured a number of planning permission for similar mixed use proposals within the employment safeguarded area in Oxford, Yeovil and Taunton. Officers are therefore satisfied that the proposed use would not generate a material retail use within the employment safeguarded area and out of town location, it is therefore considered that there is no in-principle objection to the proposed mixed use in this area provided that

a planning condition is imposed to ensure that the buildings will be restricted to be used as 'tiles merchants sui-generis'. This would prevent the use of the building for any sole A1 purpose.

5.6 Environmental Impact upon amenity

The premises is located to the junction of Tower Lane and Tower Road South. To the south, there is a vehicular access to Brook Business Park. Tower Lane Business Park lies opposite to the application site. To the west is a similar scale business premises, which was formerly used as an indoor play area. Given that there is no alteration or extension to the existing building, there is no adverse impact upon the neighbouring occupiers in terms of overlooking or overbearing impact.

5.7 Given the nature of the business and the location of the property, it is considered that the proposed mixed use would not cause significant adverse impact upon the neighbouring properties, provided a planning condition is imposed to restrict the opening hours and delivering hours. The applicant suggested that their opening hours would be 8am-5.30pm Monday to Saturday, and 10am-4pm Sunday. Officers consider that such opening hours are reasonable, as such, it would not cause material adverse impact upon the amenity of neighbouring occupiers.

5.8 Transportation Impact and Proximity to Public Transport

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.9 Concerns regarding the existing parking issues and the access issues are noted. There is no in principle highway objection to this application. As the proposed use would allow members of public and trade merchants visiting the site, therefore there is a need to make sure that there would be adequate parking spaces for customers and staff on site. The applicant's revised plan has shown that the adequate parking facilities for the use. The existing access will be used for the proposed mixed use and no changes are proposed to the existing access. Given that the existing buildings are already used as commercial purposes, officers do not consider that the proposal would cause an unacceptable impact upon the public highway safety.

5.10 Design and Visual Impact

The proposal would not change the appearance of the existing buildings, the existing buildings are structurally sound and are also capable for the proposed change of use. Therefore it is considered that the proposal would not cause any unacceptable adverse impact upon the character and appearance of the locality, the Warmley Conservation Area, and the setting of the listed buildings.

5.11 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must

have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.12 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire: Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report..

7. RECOMMENDATION

7.1 That the application be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The premises shall be strictly used for a mixed uses of B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, as amended or replaced and/or for the Sui-Generis for the storage, display and sale of wall and floor tiles and associated properties, and shall not be used for any other purposes.

Reason

To prevent changes to unrestricted retail use in this out of centre location contrary to Policy CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted)

December 2013 and Policy PSP31 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Provision of parking facilities

Prior to the first occupation of the proposed development hereby approved, the parking spaces shall be provided in accordance with Drawing No. 07B606085 001C received on 5 January 2018. The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of and the standing of vehicles while servicing the premises.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. No outside storage

There shall be no outside storage of materials/goods/waste or plant on the land within the red line of the application site.

Reason:

To protect the amenity of the area and to accord with National Planning Policy Framework and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Delivery Hours

No deliveries shall be taken at or despatched from the site outside the hours of 07.00 and 19.00; nor at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the neighbouring occupiers and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. Opening Hours

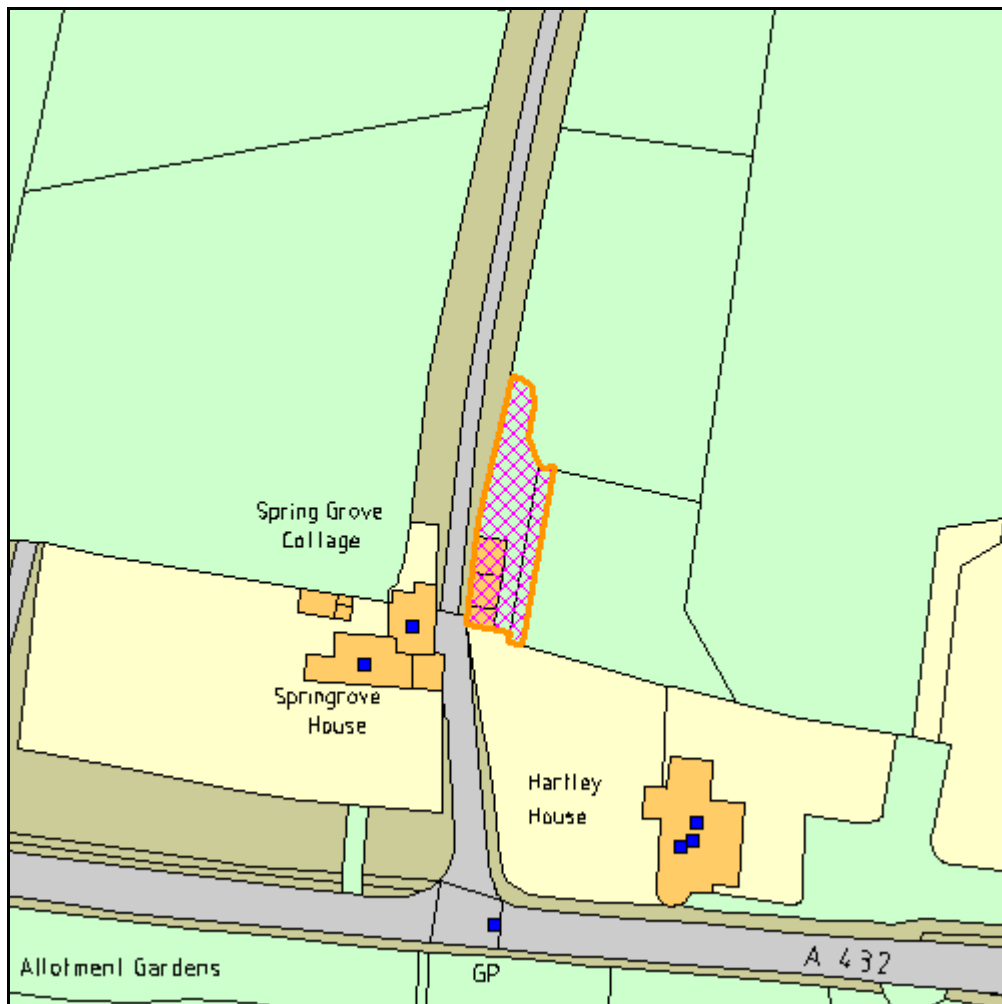
The proposed development hereby permitted shall not be open to customers outside the following times Mondays to Saturdays 08.00 to 17.30 and Sundays 10.00 to 16.00.

Reason:

To protect the amenity of the neighbouring residents, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PK18/2774/CLP	Applicant:	Mr S White
Site:	The Barn Commonmead Lane Old Sodbury Bristol South Gloucestershire BS37 6LX	Date Reg:	14th June 2018
Proposal:	Application for Certificate of Lawfulness to demonstrate that the proposed development commenced before 24 November 2017 (in relation to approved planning permission PK14/2581/F)	Parish:	Sodbury Town Council
Map Ref:	374938 181650	Ward:	Cotswold Edge
Application Category:		Target Date:	6th August 2018



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CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the development of The Barn, Commonmead Lane, Old Sodbury has been lawfully commenced.
- 1.2 The application is a formal way of establishing whether the works or development undertaken prior to or on the 24 November 2017, in light of the terms of permission PK14/2581/F and its associated conditions, are an authorised material operation which is pursuant to the permission. Accordingly, site constraints (such as being in an AONB) or planning merits form no part of the considerations here which must be determined on the lawfulness or otherwise of the development.
- 1.3 It is noted that a separate application has been submitted to discharge the conditions on the permission. This is detailed in the planning history in Section 3 of this report.
- 1.4 The Barn sits in the southwest corner of the site and apart from some hardstanding immediately to the north, the barn is surrounded by enclosed grass areas. The building itself consists of a central gabled block with single-storey pitched extensions to the north and south elevations.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (as amended)

3. RELEVANT PLANNING HISTORY

- 3.1 DOC18/0323
Discharge of conditions no. 4 (landscaping) and 5 (landscaping maintenance) attached to planning permission PK14/2581/F Conversion and extension of existing barn to form 1 no. dwelling with associated works (resubmission of PK13/2333/F)
Pending
- 3.2 PK14/2581/F
Conversion and extension of existing barn to form 1 no. dwelling with associated works (resubmission of PK13/2333/F)
Approval
25.11.2014
- 3.3 PK13/2333/F

Conversion and extension of existing barn to form 1 no. dwelling and associated works.

Withdrawn

12.08.2013

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objection

4.2 Other Consultees

Councillor
No comment

Other Representations

4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Received by the Local Planning Authority on 11 June 2018:
Location & Block Plan (AG4638/10 Rev G)

Received by the Local Planning Authority on 14 June 2018:
Planning Statement

6. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The assessment therein has two strands. The local planning authority (LPA) consider whether permission PK14/2581/F is capable of being lawfully implemented and that even if it can be, whether the physical activities being relied upon satisfactorily demonstrate a commencement of the approved development with reference to section 56 of the 1990 Act as amended.

5.2 The decision must rest on the facts of the case and the interpretation of any relevant planning law or judicial authority. The burden of proving relevant facts in this application rests on the applicant. The test of the evidence is made on the balance of probabilities. The site constraints nor the planning merits of the proposed development, which could be carried on if lawfulness is confirmed, are no relevant and are not therefore issues for the LPA to consider in the context of an application made under section 192 of the 1990 Act as amended.

5.3 Background

On 25 November 2014 the Council granted planning permission for the conversion of The Barn to a dwelling subject to nine conditions, of which six expressly prohibit any development prior to the submission and approval of certain details. These are as follows:

- Condition 2 requiring details of the external facing and roofing materials to be submitted and approved.
- Condition 3 requires eaves levels to be submitted and approved.
- Condition 4 requires a landscaping scheme to be submitted and approved.
- Condition 5 requires a landscape maintenance schedule to be submitted and approved.
- Condition 6 requires a drainage strategy to be submitted and approved.
- Condition 7 requires details of the parking and manoeuvring space to be submitted and approved.

5.4 Conditions 8 and 9 are not relevant to the determination of this application.

5.5 On 29 August 2018, the applicant submitted an application for the discharge of conditions 4 and 5. This remains un-determined.

5.6 Material Operations

The first issue to turn to is whether the works undertaken are sufficient for development to be taken to be commenced under section 56 of the 1990 Act as amended.

5.7 Section 56, subsections 2-4, of the 1990 Act as amended deal with the commencement of development (*"Time when development begun"*). Section 56(1) (a) states that development of land consisting of the carrying out of operations shall be taken to be initiated *"at the time when those operations are begun"*. Section 56(2) explains that *"development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out"*.

5.8 The meaning of *"material operation"* is set out in section 56(4) as follows:

"(a) any work of construction in the course of the erection of a building; [(aa) any work of demolition of a building]; (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building; (c) the layout of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b); (d) any operation in the course of laying out or constructing a road or part of a road; (e) any change in the use of any land which constitutes material development."

5.9 Very little needs to be done to implement a planning permission for operational development but that which is done, however, must be related to the permission involved and must be material in the sense of not being de minimis. This requires an objective, fact and degree approach.

- 5.10 A statutory declaration dated 19 January 2018 from the applicant, six photographs from 23 November 2017 and correspondence between the applicant and a Council Building Control Case Officer, 24 November 2017, were submitted in evidence but all identify a single action at the site – the digging of a foundation/footing trench.
- 5.11 The digging of a “...trench which is to contain the foundations, or part of the foundations, of a building” is listed as a material operation in Section 56(4) of the 1990 Act as amended and the Council has no reason to dispute the applicant’s claim that the work commenced before 24 November 2017, under three years from the date of the full planning permission. Therefore, the full planning permission might have been implemented depending upon the nature of the conditions attached to the permission.
- 5.12 Conditions
The second issue to turn to is whether any development which was so initiated was done so in the context of a planning permission which was capable of lawful implementation.
- 5.13 The parties agree that the conditions listed above in section 5.3 are pre-commencement conditions and to date they have not been formally discharged. Based on the *Whitley* principle¹ though, this raises the question of whether the permission has been lawfully implemented. In *Whitley*, the Court of Appeal said that if operations purportedly authorised by the planning permission contravened the conditions attached to that permission they could not be properly described as commencing the development authorised by the permission.
- 5.14 There have been a large number of judicial decisions decided after *Whitley*, a number of which identify exceptions to the original principle in *Whitley*. The applicant themselves are relying on the similarities here to that referred to in the *Hart Aggregates* case², because their failure is limited to a failure to obtain approval for certain particular aspects of the development only, and aspects which are not especially significant. However, the most recent relevant judicial decision is that of the Court of the Appeal in *Greyfort*³ which reviews the *Whitley* principle in the light of subsequent case law and particularly in the light of the High Court decision in *Hart Aggregates*. It is therefore considered that the *Greyfort* decision sets out the current position with regard to the *Whitley* principle.
- 5.15 In *Greyfort*, the Court of Appeal, following the approach in *Hart Aggregates*, applied the test that in order for a condition to be a true “condition precedent”, failure to comply with which would take works outside the terms of the permission, the condition must be fundamental to, and go outside the heart of, the permission to which it is attached.

¹ FG Whitley & Sons v SSW and Clwyd CC [1992] JPL 856

² R (oao Hart Aggregates Ltd) v Hartlepool BC [2005] EWHC 840 (Admin)

³ Greyfort Properties Ltd v SSCLG and another [2011] EWCA Civ 908

- 5.16 The Planning Practice Guidance (PPG) also advises that conditions which prevent any development from taking place until the condition has been complied with should only be used where the local planning authority is satisfied that the requirements of the condition are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) requires the notice of planning permission to state clearly and precisely the reasons for such conditions.
- 5.17 It is recognised that the planning permission in this case was issued before those requirements came into force. Nevertheless, they indicate that the Government considers that conditions precedent should be fully justified. In response to these requirements, it is not uncommon for conditions which require further specified details to be approved to stipulate that such approval must be given before, for example, above ground works commence, rather than before works commence. Whilst the conditions above are not worded in this way, the Council consider that the provisions of the DMPO and PPG are relevant to the consideration of whether the exceptions to the *Whitley* principle apply in this case.
- 5.18 Turning to the facts of this case, all the conditions are clearly worded to prohibit any development until the details have been submitted to the local planning authority and approved. However, in order for them to be true condition precedents so as to make the preparatory works which were carried out unlawful, the conditions would have to go to the heart of the permission. The conclusion here is that they do not. This is because the permission granted was for a barn conversion, and not for materials, eaves, landscaping, drainage and parking; all the conditions insofar as they relate are not about the essential subject matter of the permission. Although the previous Case Officer who granted permission considered the matters sufficiently important to impose conditions relating to them, none significantly affect the form in which the conversion was permitted. The conditions all relate to matters which are peripheral details.
- 5.19 And although all require details to be approved before development commences, none have to be implemented until a later stage – they could all be agreed and carried out after the conversion of the building. The physical carrying out of the works subject of this application, and indeed the conversion of the barn itself, were not and are not in any practical sense dependent on any of the details listed above being approved.
- 5.20 It is therefore concluded that the works described above were not carried out in contravention of any “condition precedents” going to the heart of the permission, and so were not unlawful. These works were sufficient to implement the planning permission granted under PK14/2581/F. All matters raised in the representations have been taken into account, including the judicial authorities referred to by the applicant.

7. RECOMMENDATION

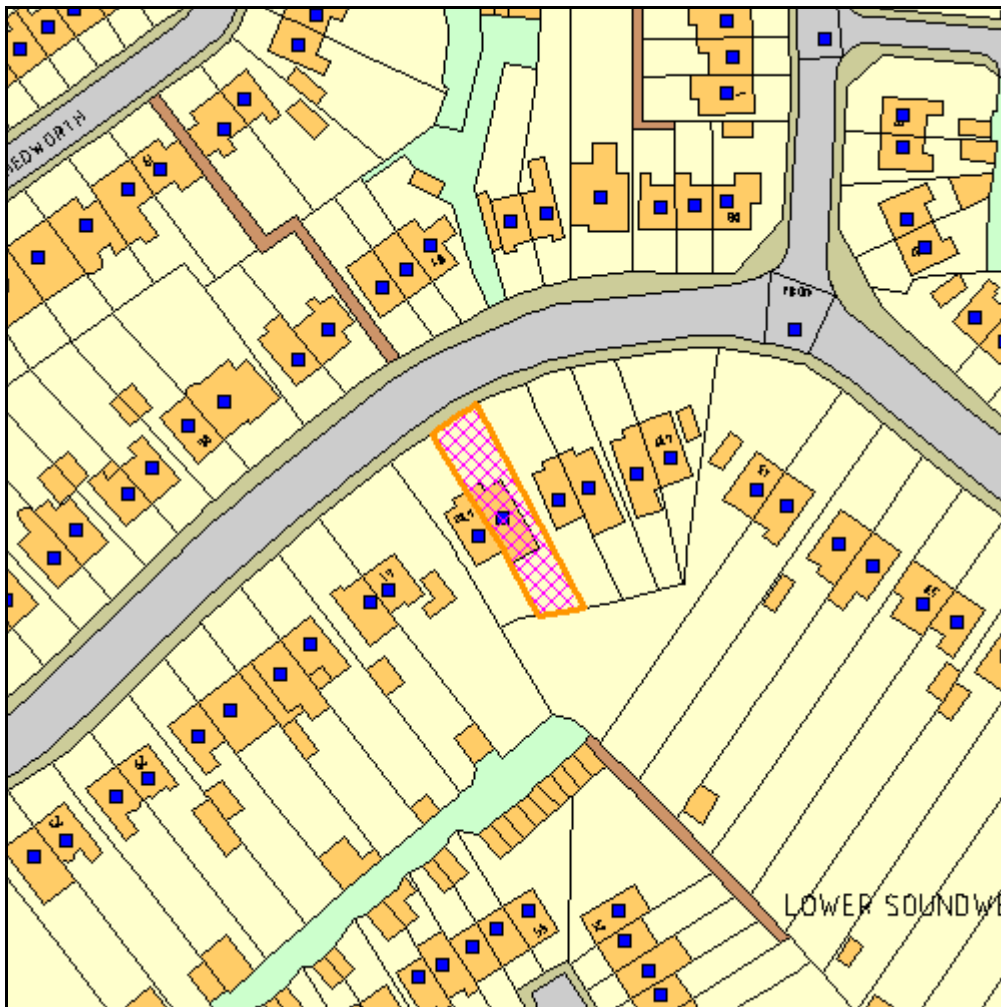
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the works described in the application have not been carried out in contravention of a “condition precedent” going to the heart of the permission, and so were not unlawful. These works were sufficient to implement the planning permission granted under PK14/2581/F.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PK18/3048/F	Applicant:	Mr Melvin Davis
Site:	43B Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TR	Date Reg:	19th July 2018
Proposal:	Erection of single storey side and rear extensions to provide additional living accommodation.	Parish:	None
Map Ref:	365636 175046	Ward:	Rodway
Application Category:	Householder	Target Date:	12th September 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of single storey side and rear extensions to provide additional living accommodation at 43B Chiphouse Road, Kingswood.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Kingswood.
- 1.3 During the course of this application revised plans were received to address design concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Environmental Protection

No comments

Sustainable Transport

No objections

Other Representations

4.2 Local Residents

This application received a total of 2 objections, the comments are outlined below.

- The proposed side extension will block light into my property
- The proposed side extensions foundations may impact the party wall separating 43b and 43c
- The proposed side extension may be built upon the drainage system
- The position of the log burner is not high enough and will blow fumes into neighbouring properties

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of single storey side and rear extension to form additional living accommodation.

5.3 The single storey rear extension will extend will extend 4.8metres from the existing rear wall, have a width of approximately 5.2metres and have a maximum height of 3.6 metres. The proposal will introduce a lean-to roof with 3no. rooflights and use materials that match the existing dwelling. The side element will extend approximately 1.3metres from the existing side elevation, have a depth of 4 metres and a maximum height of approximately 3.7 metres, the side element will feature a gabled roof.

5.4 The proposal also includes the installation of an extraction flue, the flue will be located on the south-western corner of the dwelling house and extend approximately 0.6 metres above the existing roof.

- 5.5 The case officer considers the proposal to be in keeping with the domestic character of the building and will be a modest addition to the rear and side elevations.
- 5.6 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 A neighbouring occupier commented on the loss of sunlight which would occur as a result of the proposal. Having looked at the path of the sun, it is not considered that the extension would have a material impact on the amount of sunlight offered to the neighbouring property. Furthermore, the proposal is single storey structure tucked up against the existing built form that measures 1.3 metres wide and 3.7 metres high.
- 5.8 The concerns raised regarding the positioning of the proposed flue have been taken in to account. Revised plans have been received that show the flue to be positioned approximately 0.6metres above the existing eaves height at two storey level. It is not considered that the proposal would have any detrimental impact upon existing levels of residential amenity.
- 5.9 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties nearby.
- 5.10 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.12 Sustainable Transport and Parking Provision
The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.
- 5.13 Other matters
A neighbouring occupier raised concerns about the proposal causing drainage issues. In this instance it is not considered that the proposal will raise any material planning concerns, the detailed technical building connection and construction is addressed more adequately through the building regulation process in any event.

A neighbour has also raised concerns about the maintained integrity of property and boundaries, an informative will be issued on the decision notice to address this matter.

5.14 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

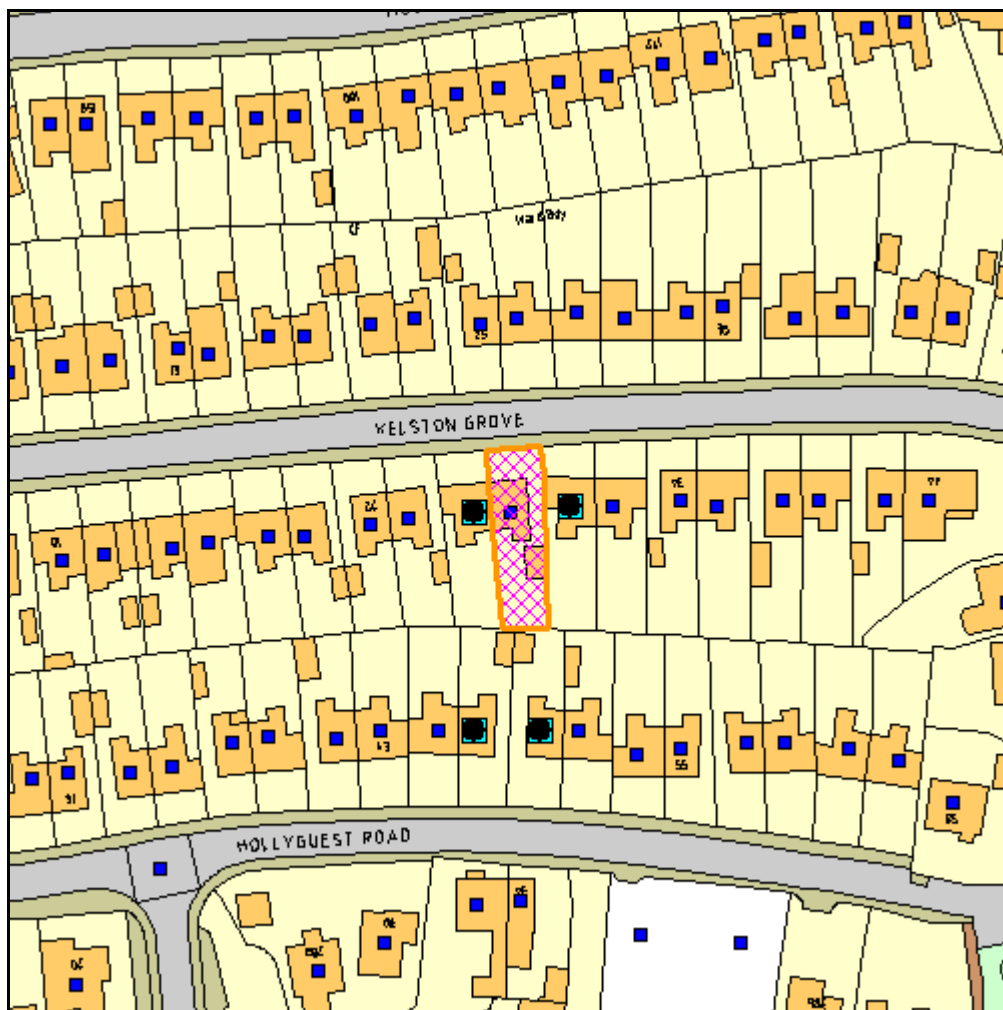
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PK18/3279/CLP	Applicant:	Mr Thomas Poskowski
Site:	28 Kelston Grove Hanham Bristol South Gloucestershire BS15 9NL	Date Reg:	18th July 2018
Proposal:	Installation of a side and rear dormer to facilitate loft conversion.	Parish:	Hanham Parish Council
Map Ref:	365147 172603	Ward:	Hanham
Application Category:		Target Date:	11th September 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

The application is for a Certificate of Lawfulness, as such, according to the current scheme of delegation is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no side and rear dormer at 28 Kelston Grove Hanham would be lawful.

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1. National Guidance Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

3. RELEVANT PLANNING HISTORY

3.1. None.

4. CONSULTATION RESPONSES

4.1. Hanham Parish Council
No objection.

Other Representations

4.2. Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

All received on 16th July 2018

Proposed Floor Plans

Existing House Plans

Proposed House Plans

6. ANALYSIS OF PROPOSAL

6.1. Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that is a formal way of establishing whether or not the proposed development can be

implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the evidence presented. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2. The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the property.

6.3. The proposed development consists of the installation of 1no side and rear dormer. The dormer development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

B.1 Development is not permitted by Class B if –

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer would not exceed the highest part of the roof.

- (c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer would be located to the side and rear of the property, as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

- (i) **40 cubic metres in the case of a terrace house, or**
(ii) **50 cubic metres in any other case**

The property is a semi-detached house. Volume calculations extrapolated from the submitted drawings indicate that the total increase in roof space of the original dwelling would be 45m³.

(e) **It would consist of or include –**

- (i) **the construction or provision of a verandah, balcony or raised platform, or**
- (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include the construction or provision of a verandah, balcony or raised platform.

(f) **the dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

B.2 Development is permitted by Class B subject to the following conditions—

(a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

- (i) Submitted plans indicate that the proposed dormer will be finished in materials to match the finish of the existing roof.

(b) **the enlargement must be constructed so that –**

- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**
- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The dormer would be approximately 0.25m from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained. As such the proposal meets this criterion.

(c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**

- (i) **obscure-glazed, and**
- (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

An email from the agent confirmed that the side window will meet this criteria.

7. **RECOMMENDATION**

7.1. That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

7.2. Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of 1no side and rear dormer would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

This application is referred to the Circulated Schedule as comments have been received that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 Works to fell 1 no. Silver Birch tree covered by SG/TR 11/72 dated 1st February 1973.
- 1.2 The tree is in the garden of Hunters Hall, Kings Square, Bitton, Bristol, South Gloucestershire, BS30 6HR.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council made the following comment. Councillors did not feel that sufficient explanation/reason had been given for felling this protected tree and therefore objected to the application.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Proposed Work
Works to fell 1 no. Silver Birch tree.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree is an early-mature Silver Birch that is growing in the lawn to the side of the property.

5.4 There is a large cavity at the base of the tree on the southern side that extends into the root system of the tree. This is a significant defect that compromises the structural integrity of the tree.

5.5 The tree is in a prominent position, easily seen from the road, Kings Square. As such it would be appropriate to replace the tree in the next planting season.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

1. A replacement tree, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

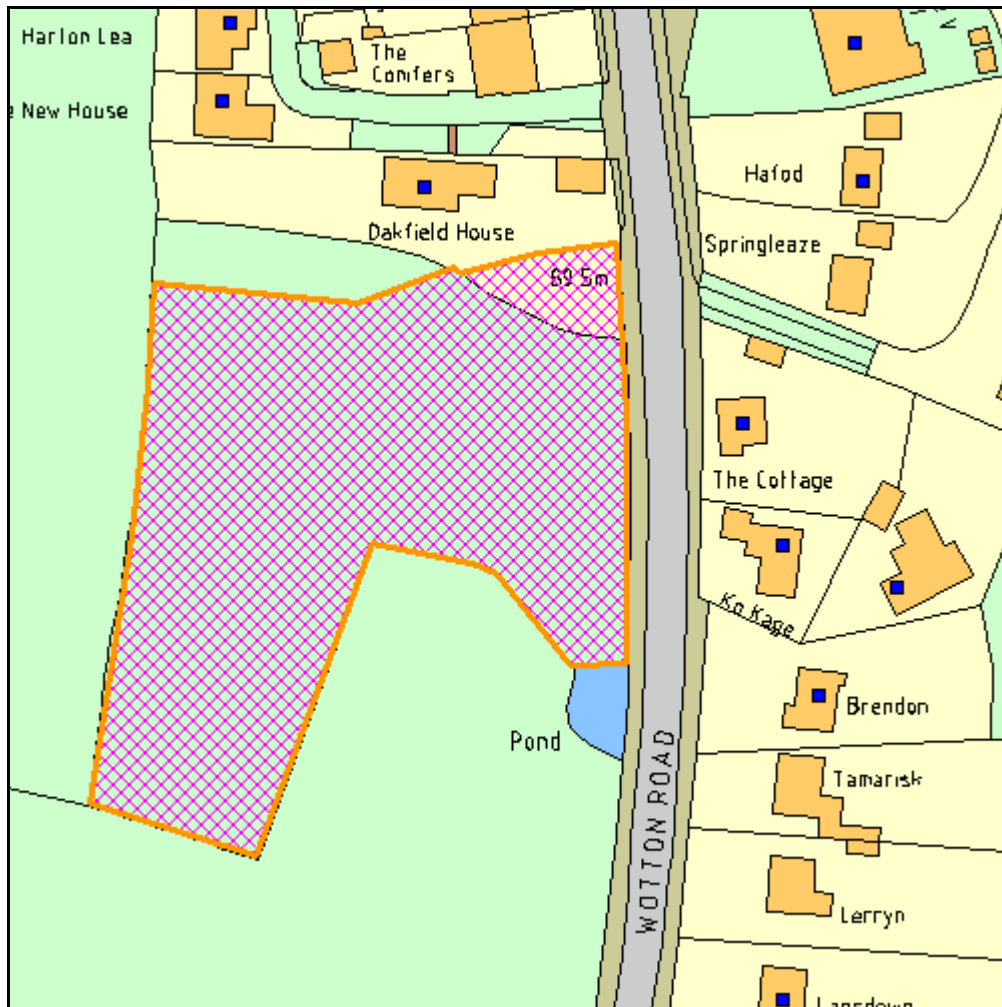
3. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PT17/3698/O	Applicant:	Mr And Mrs Blunt
Site:	Oakfield House Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7LZ	Date Reg:	29th August 2017
Proposal:	Erection of 13no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of Application PT17/0542/O)	Parish:	Rangeworthy Parish Council
Map Ref:	369112 185725	Ward:	Ladden Brook
Application Category:	Major	Target Date:	3rd November 2017



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Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule to merely seek a revision to the original resolution in order to gain an extension in time for the signing of the S106 Agreement.

1. THE PROPOSAL

- 1.1 The application relates to Oakfield House and its associated parking area and garden. The house is a detached, modern 2-storey construction of stone and render. Immediately to the south is an open grassed area 0.56 hectares in area which is proposed to be developed for housing. The applicant considers that the plot is within the residential curtilage of Oakfield House – this matter will be discussed later in this report.
- 1.2 The site is bounded to the east by the B4058 Wotton Road and is located in open countryside on the western edge of the Established Settlement Boundary of Rangeworthy. The site is not in the Green Belt or AONB neither is it in a Conservation Area.. The development site is flat and bounded by trees; there are residential properties adjacent to the north and directly opposite, these extend to the edge of the village to the north and south.
- 1.3 Outline planning consent was granted (subject to a S106 Agreement) at the DC West Committee on the 22nd Feb 2018 (a copy of the report is appended to this report) for the Erection of 13no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of Application PT17/0542/O).
- 1.4 Part 3 of the resolution required the S106 Agreement to be signed within 6 months of the date of the resolution. Unfortunately, due to protracted negotiations, the S106 has not yet been signed but the applicant has requested an extension in time to 30th November 2018 to allow the matter to be resolved – hence this further referral to the Circulated Schedule to formalise the arrangement.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2 November 2018 (NPPF)
National Planning Practice Guidance (NPPG)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility

CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Local List SPD (Adopted) March 2008

Residential Parking Standards SPD (Adopted) December 2013

Affordable Housing SPD (Adopted) May 2014 (amended Dec. 2017)

Landscape Character Assessment SPD (Adopted) November 2014

Waste Collection SPD (Adopted) January 2015 (amended March 2017)

CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4663/F - Erection of single-storey side and rear extension to form additional living accommodation following demolition of conservatory. Approved 12 Feb. 2014
- 3.2 PT17/0542/O - Erection of 10no. dwellings (outline) with access and layout to be determined. Withdrawn 21 April 2017
- 3.3 PT17/3698/O - Erection of 13no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of Application PT17/0542/O). Approved subject to S106 22 Feb 2018 – still not signed.

4. CONSULTATION RESPONSES (made in response to the original application PT17/3698/O)

4.1 Rangeworthy Parish Council

The Parish Council Objects on the following grounds:

a. Landscape - This small paddock is enclosed from the road by trees and the central hedge also has a number of trees which contribute to the local character.

b. Access to the site on the outside of the bend would require loss of the boundary trees and wall to create a visibility splay.

c. Increasing the mass/density of development along this lower part of Wotton Road will increase enclosure and change the character of the settlement and alter visual amenity of the village.

d. Ecology small paddocks/fields of improved grassland with semi-mature trees forming boundary to the road which could be considered of low nature conservation value. However, a series of field ponds are present within open farmland to the west of the settlement. The ecology survey identified a small dew pond in the corner of the adjoining field to the south of the site. As the survey was carried out in August 2016 this pond could have dried up so Great Crested Newts would not be immediately apparent.

e. Transport/Access and Safety. Any potential access to Wotton Road would need to comply with current visibility standards as such given that the site is on the outside of the bend these would be difficult to achieve without removal of extensive established vegetation. The applicant has increased the number of dwellings on this development, therefore increasing the number of traffic movements onto the already extremely busy Wotton Road.

f. Sewerage - Existing issues of ground water infiltration when the water table rises. This requires groundwater management strategy agreement between Local Authority and Wessex Water before any development could proceed. There are continuous, ongoing sewer problems along Wotton Road and more houses will only exacerbate these issues. Albeit that Wessex Water has recently undertaken remedial works to the sewerage system, but this was to line the drains in order to prevent ground water infiltration - NOT to increase the volume/capacity. It remains to be seen whether these remedial works have been successful. It also remains the fact that the pipes are still the same size and these additional 13 dwellings can only increase the amount of sewerage that the drains have to cope with.

g. The site is outside the current settlement boundary.

h. Lack of Affordable Housing - The Parish Council notes that four 2/3 bedroomed dwellings are proposed. However the Parish Council feels that this still does not adequately address the requirements of younger first-time buyers or older residents wishing to downsize to smaller bungalow-type properties.

In conclusion, during the last thirty years development of small housing estates has taken place to the east of the B4058 off New Road (ie, Gifford Close, The Grove, Kingsfield and most recently Waverley Close).

Along the B4058 a small amount of infilling and building in back gardens has been allowed within the settlement boundary but this application would have a

significant adverse impact on the existing landscape, character of the village and also have access issues.

To the casual observer driving through Rangeworthy, the appearance of the village has almost remained unchanged and the Parish Council are in concurrence with this approach to planning.

4.2 Other Consultees

Environmental Protection

No objection subject to noise mitigation measures being carried out in accordance with the recommendations of the submitted Acoustic Report.

Wessex Water

No response

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage Scheme.

Avon Fire and Rescue

No response

Police Community Safety Officer

No response

Tree Officer

No objection subject to recommendations of the submitted Tree Report.

Landscape Officer

If approval is granted the following landscape condition is recommended and the applicant is advised to seek the services of a landscape architect.

Prior to the commencement of development, and within 3 months from the date of the decision, a scheme of soft and hard landscape to be submitted for approval that shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives.

The proposed development will be on soil classified as Grade 2 and its development would be contrary to Policy CS9 and is recommended for refusal.

Ecology Officer

No objection subject to conditions to ensure that; the development is carried out in accordance with the recommendations of the submitted Site Plan and

Habitat Survey; protection of nesting birds; lighting design strategy for biodiversity.

Waste Engineer

No response

Arts and Development Officer

No comment

Children and Young People

No response

Listed Building and Conservation Officer

No heritage objections

Strategic Planning Officer

No objection in principle. The benefit of providing additional housing units should be afforded significant weight, under paragraph 14 of the NPPF, provided they would be delivered within five years, to assist the five year supply of housing in South Gloucestershire.

Urban Design Officer

No objection at outline stage – detailed design is a reserved matter.

Housing Enabling

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application generates an affordable housing requirement of 1 x 2 bed 4 person house and 2 x 3 bed 5 person house for social rent and 1 x 3 bed 5 person house for Shared Ownership. The applicant has confirmed this requirement will be met on site.

Environmental Policy Team

No response

New Communities

There would be no on-site public open space provision. Contributions are requested as follows:

Off-site POS provision/enhancement - £53,762.86

Off-site POS maintenance contribution - £48,186.84

Transportation Officer

No objection subject to conditions to secure the visibility splays at the access onto Wotton Road.

Other Representations

4.3 Local Residents

Objections have been raised by 5no. local residents; the concerns raised are summarised as follows:

- Properties opposite the proposed access are not shown on the plans.
- The proposed access is in a dangerous position due to – bend in road (poor visibility), bus stop nearby (used by children), properties with accesses opposite, traffic congestion at peak times, accidents on the bend in the past.
- Affordable housing not in character with the rest of the village.
- Drainage problems in the village.
- Narrow footpath on Wotton Road
- Hollies Farm was previously identified through the PSP process as ideally suited for 20 dwellings. An application has been submitted for 50 houses.
- The proposal will detract from the viability of the Hollies Farm development.
- The Hollies Farm site has better provision for Affordable Housing, Public Open Space, Village Amenity, and Drainage Capacity.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of the development proposed was previously established with the resolution to grant application PT173698/O subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report.

5.2 The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible.

5.3 The drafting of the S106 Agreement has involved protracted negotiations, which has taken the application past the 6 month deadline for completing the S106 Agreement. An extension in time to 30th Nov. 2018, to complete the S106 is sought by the applicant. Officers are however satisfied that there is every expectation that the S106 will be signed shortly.

5.4 On 28th November 2014, the Government announced changes to the national policy in relation to contributions for affordable housing and other tariff style planning obligations (S106 planning obligations). These were published as an update to the National Planning Practice Guidance (NPPG). Whilst affecting the

thresholds for affordable housing contributions, the changes also impact on other contributions such as community facilities and services. The High Court subsequently quashed this guidance to exempt sites of less than 10 units from S106 affordable housing requirements; however the government appealed the judgment and the Court of Appeal recently overturned the High Court's decision.

- 5.5 The major changes to planning policy as a result of the 28th November update to the NPPG are as follows:
- Developments of 10 units or less and with a combined gross floor-space of no more than 1000sq.m. will not be required to make S106 contributions.
 - In designated rural areas a lower threshold of 5 units or less applies, where no affordable housing or tariff style contributions can be sought.
 - In designated rural areas, for developments of 6-10 units, only a cash payment is payable upon completion of units i.e. in circumstances where affordable housing is not to be delivered on site.
 - Residential annexes and existing home extensions are exempt from affordable housing and tariff-style contributions.
 - Rural Exception Sites are also excluded from having to make contributions.
- 5.6 The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

In this instance, having regard to the above, the application has been reassessed against the latest guidance and it is considered that a planning obligation relating to affordable housing and POS provision/enhancement and maintenance is still required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

CIL Matters

- 5.7 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 however, social housing is exempt from CIL charging

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

(i) The provision of on-site affordable housing as follows:

A total of four (4) affordable homes based on the following house type and tenure mix:

1 x 2 bed 4 person house (Plot 10)

2 x 3 bed 5 person house for social rent

1 x 3 bed 5 person house for Shared Ownership.

i.e. Plots 10-13 inclusive.

(ii) A financial contribution of £53,762.86p towards the off/site POS provision and/or enhancement, and £48,186.84p towards the POS maintenance. The identified site being Rangeworthy Recreation Ground.

The reasons for this Agreement are:

(i) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept. 2008.

(ii) To provide policy compliant levels of off-site play facilities for the residents of the development and ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed by the 30th Nov. 2018 that delegated authority be given to the Director or Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Approval of the details of the scale, external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the scale, external appearance of the buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

5. The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. L01 received 4th August 2017

Proposed Boundary Treatment Plan Rev A received 11th Sept. 2017

Site Location Context Plan Drawing No. L02 received 11th Sept 2017

Proposed Site Layout Plan Drawing No. ST01 Rev C received 19th Feb. 2018

Drainage Strategy Layout Drawing No. 01 Rev F received 11th Jan 2018

Swept Path Analysis - Refuse Tracking Drawing No. X/NMAWottonRd.1/03 Rev B received 30th Oct. 2017

Site Access Arrangement Drawing No. X/NMAWottonRd.1/02 Rev B received 1st Feb. 2018

Reason

For the avoidance of doubt.

6. The hours of working on site during the period of construction, demolition and land raising shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

7. The details of scale and external appearance to be submitted at Reserved Matters stage shall demonstrate how the proposal would provide sufficient renewable and/or low carbon energy generation on or near the site, to reduce total annual electricity and gas use in the buildings in line with the provisions required by policy PSP6 of the adopted South Gloucestershire Core Strategy: Policies, Sites and Places DPD (adopted) November 2017.

Reason

In the interests of sustainability and to accord with Policy PSP6 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

8. The development shall not be brought into use until the access, car parking and turning areas have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

9. The access visibility splays as indicated on the submitted plan no. X/NMAWottonRd.1/02 Rev A shall be maintained in perpetuity and there shall be no obstruction between 0.9m and 2m above the carriageway within the visibility splay.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

10. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory),

for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the submitted scheme should include the following information:

- o A clearly labelled drainage layout plan showing the pipe networks and exact location of any soakaways.
- o Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event.
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365.
- o Evidence that any soakaways are appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- o A plan showing the cross sections and design of any soakaways and their components
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as soakaways where applicable.

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.

11. The development hereby approved shall be carried out in accordance with the recommendations of the submitted Arboricultural Survey, Impact Assessment and Protection Plan by Barton Hyett associates 26th July 2017.

Reason

In the interests of protected trees and the visual amenity of the area, to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP3 of The Policies, Sites and Places Plan (Adopted) Nov. 2017 and the Trees on Development Sites SPG (Adopted) Nov. 2005.

12. The landscaping details submitted as a reserved matter shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) Nov. 2017 and the National Planning Policy Framework.

13. All works shall proceed in accordance with the Proposed Site Plan (dated Oct 2017), and the recommendations set out in Chapter 7 of the Extended Phase 1 Habitat Survey (Simecology, August 2017). Any deviation from the plan shall be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

14. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority .

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

15. Prior to the first occupation of the development hereby approved, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a. Identify those areas/features on site that are particularly sensitive for to bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

16. As per approved plans all four Affordable Dwellings on plots 10,11, 12 and 13 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

17. The development hereby approved shall be constructed in accordance with the noise mitigation measures outlined in the submitted Acoustic Report by Acoustic Consultants Ltd. dated Oct. 2017 Ref: 6882/SL/BL.

Reason

To protect the residential amenity of future occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

18. The dwellings hereby approved shall not exceed 12m in height.

Reason

For the avoidance of doubt and to protect the character and amenity of the area in accordance with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 Policy PSP1 & PSP2 of The South Gloucestershire Policies Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

19. Prior to the first occupation of the development hereby approved, full details to show the relocation of the existing bus stop (to the north of the site, northbound) to a position to the south of the site entrance with the details including the provision of raised bus borders shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented prior to the first occupation of the development.

Reason

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP 11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017)

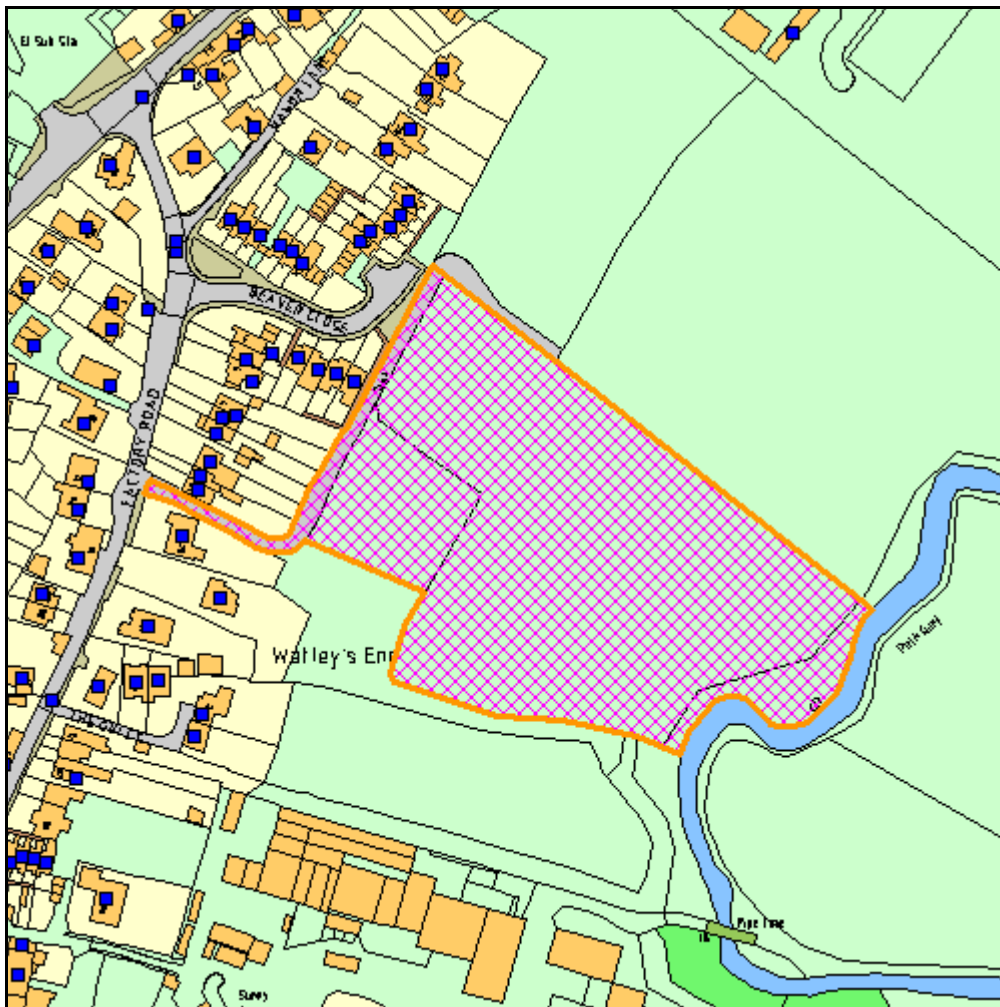
20. Prior to the installation of any foul drainage pipe work, full details of that system and how it will be implemented, (to ensure it results in a sealed system), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed fully in accord with the approved details.

Reason

To ensure no groundwater enters the foul water drainage system within the site and to accord with Policy CS9 of the South Gloucestershire Council Local Plan Core Strategy 2013 and PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017)

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PT17/4047/F	Applicant:	Mr Harry Wood
Site:	Land At Factory Road Winterbourne Near To 21 To 23 Factory Road Winterbourne Bristol South Gloucestershire BS36 1QL	Date Reg:	26th September 2017
Proposal:	Change of use of land from agricultural to equine use (sui generis) and erection of stable block and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365879 181221	Ward:	Winterbourne
Application Category:	Minor	Target Date:	20th November 2017



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 100023410, 2008. N.T.S. PT17/4047/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the change of use of land from agricultural to equine use (sui generis) and the erection of a stable block and associated works. The application relates to land at Factory Road, Winterbourne.
- 1.2 The application site consists of approximately 1.54ha of agricultural land. The site is situated outside of the defined settlement boundary of Winterbourne, and within the Bristol and Bath Green Belt. The south-eastern boundary of the site is adjacent to a watercourse, and as such a section of the site is situated within EA Flood zone 3. The site is currently in an overgrown state, and contains several dilapidated greenhouses.
- 1.3 Planning consent was previously granted on two occasions for the change of the use of the land to equine use (under permission ref. PT05/1349/F and PT10/3258/EXT). Whilst permission has previously been granted, a significant amount of time has passed since the granting of permission. Given the changes to both local and national policy, the application will be assessed on its own merits, with the previous decisions only carrying moderate weight.
- 1.4 In terms of any supporting information submitted during the application process, a revised Arboricultural Method Statement and Tree Protection Plan were received by the Local Planning Authority on 10th May 2018.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape

PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt SPD (Adopted) 2007
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

3.1 **PT10/3258/EXT**

Consent to extend time limit implementation for PT05/1349/F Change of use of land from agricultural to equine use and erection of stable block.

Approved: 09.02.2011

3.2 **PT05/1349/F**

Change of use of land from agricultural to equine use and erection of stable block.

Approved: 24.11.2005

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council No objection

4.2 Frampton Cotterell Parish Council Objection - The proposed development is in the Green Belt, the land is part of the Frome Valley way agricultural land

4.3 Other Consultees

Sustainable Transport

As this application is identical to PT05/1349/F and its subsequent extension of time application there is no transportation objection to this proposal subject to duplication of the relevant transportation conditions associated with PT05/1349/F.

Tree Officer

No objection to submitted tree report. Recommend that condition be attached to any consent, ensuring the works are carried out in accordance with the tree protection plan and method statement.

Economic Development

No comment

Environment Agency

No comment

British Horse Society

No comment

Other Representations

4.4 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP30 of the Policies, Sites and Places Plan sets out the Council's position on horse related development, and is supportive of this form of development outside the defined urban areas and settlement boundaries provided that: new buildings are located near to existing groups of buildings; there are no existing suitable buildings capable of conversion; the design of buildings has proper regard for the safety of horses; safe and convenient access to bridleways and riding routes are available to riders; the proposal would not detriment highway safety and; any temporary structures or vehicles associated with the proposed development are located in appropriate storage to avoid harm or degradation to open countryside and rural landscapes.

5.2 The development will be assessed against the criteria set out above throughout the remainder of this report. However as a starting point, as the application site is situated within the Bristol and Bath Green Belt, the development must accord with the principles of Green Belt policy to be acceptable.

5.3 Green Belt

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. Paragraph 145 of the NPPF sets out a number of exception categories, whereby the erection of new buildings in the Green Belt may be appropriate. Paragraph 146 sets out other forms of development in the Green Belt that are also not inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One such form of development is the material change in the use of land.

- 5.4 The proposal seeks to change the use of a parcel of agricultural land to equine use. Overall, it is not considered that the material change in the use of the land from agricultural to land for the keeping of horses would significantly detract from the openness of the Green Belt. Furthermore, it is not considered that the proposal would conflict with any of the 5 fundamental purposes of Green Belt policy. On this basis, the change in the use of the land would be not constitute inappropriate development in the Green Belt.
- 5.5 With regards to the proposed stable block, one of the exception categories for buildings in the Green Belt, as set out in paragraph 145 of the NPPF, is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.6 The erection of a stable block associated with the equine use can reasonably be considered as a facility for outdoor recreation. Furthermore, the overall scale and appearance of the stable block is considered to be appropriate for this location. As such, the proposed building falls in to the exception category for development, and would not be inappropriate.
- 5.7 However given the activities that would occur at the site should consent be granted, and in the interests of preserving the openness of the Green Belt land, a condition will be attached to any decision, restricting the erection of any jumps, fences, gates for accommodating animals and associated storage.
- 5.8 Siting/Existing Buildings
The proposed stable block has been sited towards the row of residential development to the west of the site along Factory Road. This is considered to be the most appropriate location for the building, and would reduce its overall prominence within the site. There are also no existing suitable buildings currently on site.
- 5.9 Horse Welfare
In terms of horse welfare, each proposed stable is considered to be sufficiently large. The stable block would consist of 3 stables, and as such it would appear that a maximum of 3 horses would be kept at the site. The site is considered to be sufficiently large as to accommodate this number of horses. However as per the previous consent, a condition will be attached to any decision, restricting the maximum number of horses to be kept at the site to 3. Given the site and location of the site, it is also highly likely that safe and convenient bridledways and riding routes would be available to riders.
- 5.10 Transport
The transport officer has raised no fundamental objection to the proposal, and does not consider the development to have any additional impact on highway safety than the previous proposals. As such, it has been recommended that relevant transport related conditions attached to PT05/1349/F be re-applied.
- 5.11 Whilst one of the transport related conditions regarding access will be re-applied, the second condition relating to gates and doors causing an obstruction to the highway is not considered to be necessary, as given the

overall site layout, it is highly unlikely that any gates or doors would cause obstruction. In any case, it would be in the applicant's interest to avoid obstruction, and as such the condition is not considered to be necessary.

5.12 Design, Visual Amenity and Landscape

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.13 Furthermore, policy PSP2 of the Policies, Sites and Places Plan outlines that Development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.

5.14 In terms of its siting, scale, form and external finish, the proposed stable block is considered to be acceptable.

5.15 Furthermore, it is considered that the use of the land for the keeping of horses would be an appropriate use of land at what is a distinctly rural location. Overall, it is not considered that the proposal would detract from the character and appearance of the surrounding landscape, or cause any significant harm from a visual perspective. However in order to ensure that the detailed elements of the proposed landscaping are appropriate, a scheme of landscaping will be requested by condition.

5.16 Overall it is not considered that the proposal would cause harm to the character of the immediate locality or surrounding landscape, and that landscaping details can be suitably agreed post-determination. Overall the proposal is considered to accord with policy CS1 of the Core Strategy and PSP2 of the Policies, Sites and Places Plan.

5.17 Residential Amenity

Given the nature of the development, it is considered unlikely that the proposal would have any significant impact on residential amenity.

5.18 However it is acknowledged that an intensification of the use of the site could cause increased disturbance to neighbours. On this basis, a condition will be attached to any decision, restricting the future activities permitted at the site.

5.19 Further details regarding manure storage and disposal will also be requested by condition, to ensure that the development does not give rise to any unacceptable environmental pollution.

5.20 Trees

Protected trees are located within the site. However the tree officer raises no objection to the proposal, provided that works are carried out in accordance with the revised tree protection plan and method statement. A condition to this effect will be attached to any consent.

5.21 Loss of Agricultural Land

It is acknowledged that the parish council have objected on the grounds that the land forms part of the Frome Valley Way agricultural land. Notwithstanding this, the land subject to this application falls within category 3 of best agricultural land. This is the middle ranking with the best land being 1 and 2. On this basis it is considered that the proposed development would not result in the loss of the best agricultural land. Furthermore it should be noted that if the proposed use ceases then the land could revert to an agricultural use without the need for planning permission.

5.22 Environment

The site is partially situated within EA Flood Zone 3. However an equestrian use is not considered to be a high risk use. As such, it is not considered necessary to request further details regarding site drainage. In terms of an ecological impact, it is not considered that the proposed use would have a greater impact than the current use.

5.23 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.24 With regards to the above this planning application is considered to have a neutral impact on equality.

5.25 Planning Balance

For the reasons set out above, the proposal is considered to accord with policy PSP30 of the Policies, Sites and Places Plan, and is considered to accord with the principles of Green Belt policy. Subject to the recommended conditions as set out in the main body of this report, it is not considered that the development would cause any other significant environmental harm, and it therefore follows that the application should be approved subject to those conditions.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy

(Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the commencement of development, a plan showing the trees and other vegetation to be protected and details of any proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the surrounding landscape and AONB, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

This is required to be agreed prior to the commencement of development to avoid causing damage to existing trees and vegetation during any ground works, and to avoid any unnecessary remedial action in the future.

3. Prior to the first use of the site, full details of the manure storage and disposal shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason

To avoid causing unacceptable environmental pollution, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. Prior to the first use of the site hereby approved the first 8 metres of the access lane (from Factory Road) to be constructed using materials which will give it a bound surface. This surface shall then be retained in perpetuity.

Reason

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Prior to the first use of the site hereby approved, the dilapidated greenhouses at the site shall be demolished and removed from the site.

Reason

In the interests of visual amenity and to safeguard the openness of the Green Belt, to accord with policies PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

6. At no time shall the stables for the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. The number of horses kept on the site shall not exceed three.

Reason

In the interests of the welfare of horses and highway safety, and to accord with the guidance of the British Horse Society, Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policies PSP11 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

In the interests of visual amenity and to safeguard the openness of the Green Belt, to accord with policies PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

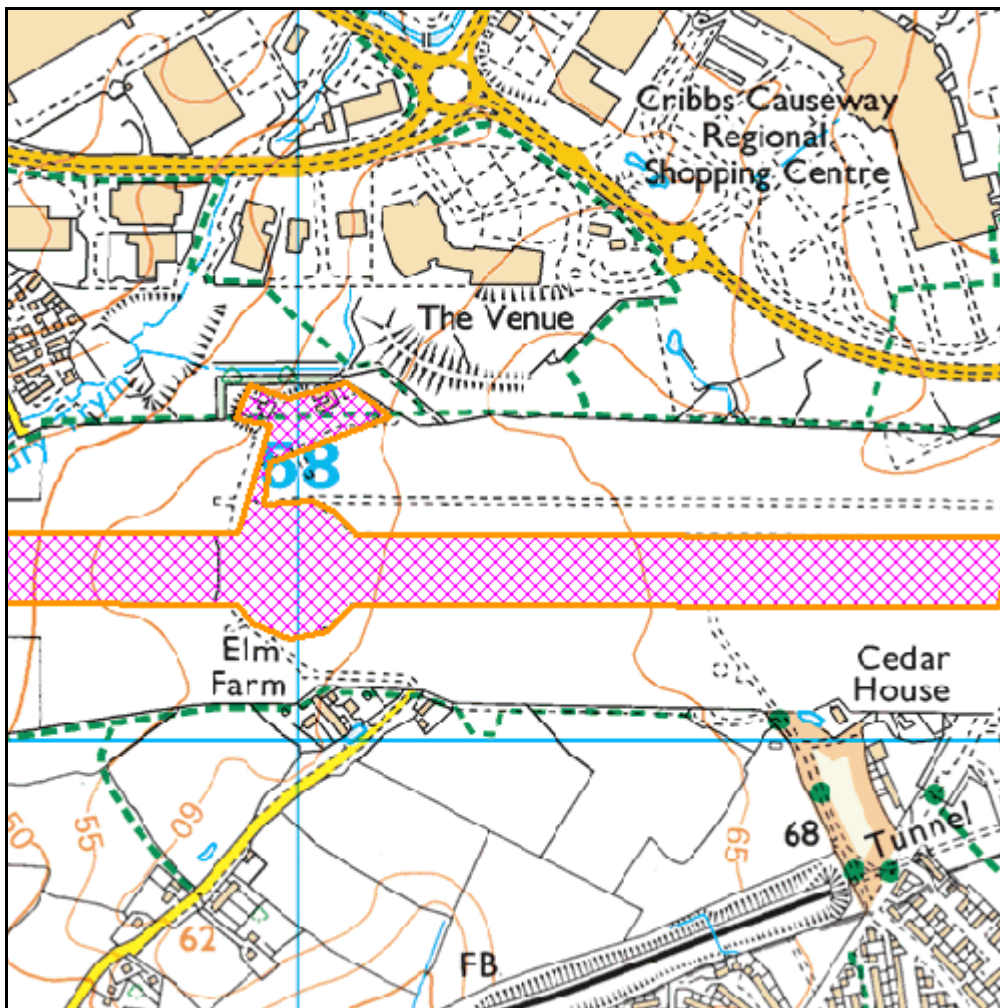
9. The proposed development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan dated April 2018 written by Tree Aware UK Ltd.

Reason

To protect the long term health of the trees and the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PT18/2355/F	Applicant:	YTL Developments (UK) Ltd YTL Developments (UK) Ltd
Site:	Former Filton Airfield Bristol South Gloucestershire BS99 7AR	Date Reg:	25th June 2018
Proposal:	Temporary mixed use (general storage ; cars containers, building materials, temporary events, cabins/depot uses) on the western end of the former Filton Airfield on 14.45 hectares of land, with access from New Road, Filton, or a period of up to 10 years.	Parish:	Filton Town Council
Map Ref:	355747 179434	Ward:	Filton
Application Category:	Major	Target Date:	20th September 2018



1. THE PROPOSAL

- 1.1 Full planning permission is sought for temporary uses on the western end of the former Filton Airfield, comprising an area of some 14.45 hectares (out of a total of 141 ha). The proposed temporary uses comprise the following:
- General Storage (such as cars, containers and building materials)
 - Temporary events (such as fun runs or small local festivals)
 - Cabins/depot uses

When the application was originally submitted, it included recycling, however due officer concerns over the possible implications of this, a revised application form and planning statement was submitted to omit this part of the proposal.

- 1.2 The application site falls within the outline planning permission area for application reference PT14/3867/O which has outline consent for mixed use development on 141.733 hectares of land including residential development for up to 2,675 dwellings. Phases 1 and 2 have benefit of an approved Regulating Plan and approved Design Code. Full planning and listed building consent has recently been granted for conversion of the listed hangar 16U in the north eastern part of the site. Within this context, the proposed temporary uses on the land can be defined as 'meanwhile uses' designed to make the best use of the land before that part of the site is redeveloped.
- 1.3 The temporary period sought is 10 years. Access to the temporary application site is proposed from the 'Combination Junction' off the A38 and New Road, with the access road within the site running along the runway and bound by palisade fencing.
- 1.4 The temporary application site is located largely on part of the hardstanding area of the former runway.

Information submitted in support of the application

- Planning Statement
- Visual Effects Tables and Views (extract from Environmental Statement for PT14/3867/O Outline application).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS5 Location of Development
CS7 Strategic Transport Infrastructure
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Land
CS25 Communities of the North Fringe of Bristol Urban Area
CS26 Cribbs Patchway new Neighbourhood

South Gloucestershire Local Plan: Policies Sites and Places Plan (Nov 2017) (PSP).

PSP2 Landscape
PSP3 Trees and Woodland
PSP11 Transport Impact Management
PSP13 Safeguarding Strategic Transport Schemes and Infrastructure
PSP17 Heritage Assets and the historic environment
PSP19 Biodiversity
PSP20 Flood Risk, surface water and watercourse management
PSP21 Environmental pollution and impacts

Supplementary Planning Guidance

Cribbs Patchway New neighbourhood Development framework SPD (adopted March 2014)

3. RELEVANT PLANNING HISTORY

3.1 PT14/3867/O: Mixed use development on 141.733 hectares of land comprising: residential development for up to 2,675 dwellings and apartments (comprising 2,635 x Use Class C3 and 40 x Live Work Units - Sui Generis); 24ha of stand-alone employment land (comprising up to 12ha Use Class B1a and a minimum of 12ha Use Class B1b/c, B2) ; 120 Bed Hotel up to 3,800 sqm (Use Class C1); Rail Station (0.45ha Use Class Sui Generis); Education provision to include a Secondary School (8.31ha), 2 no. Primary Schools (total 5ha) and 2 no. Children's Nurseries (total 0.8ha) (all Use Class D1); Community Centre incorporating Library, Built Sports facilities and Doctors surgery up to 3,400 sqm (Use Classes D1 & D2); Dental Surgery up to 800sqm; (Use Class D1); 70 Bed Extra Care Facility up to 12,500sqm (Use Class C2); Shops/Financial Services/Food and Drink facilities up to 4,787sqm (Use Classes A1, A2, A3, A4 and A5) - comprising Retail Supermarket up to 2,787sqm gross maximum (Use Class A1); drinking establishment(s) up to 800sqm (Use Class A4); Business Offices up to 500sqm (Use Class B1) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways, utilities, Landscaping, sustainable urban drainage system, wildlife water basins and public open space. Outline application including access, with all other matters reserved. Outline permission granted 1st March 2018 Environmental Impact Assessment was carried out for the Outline planning permission for this development and

officers can confirm that the current application does not raise any issues that would call into question the EIA conclusions.

PT18/211/F and PT18/2112/LB – Hangar 16U: Change of use of existing hangar from B2 to mixed used B1 and A3 or use as a marketing office, general offices, café and flexible space. Demolition of part of the building and erection of extensions and construction of access and carpark and hardstanding areas and associated landscaping. Planning and listed building consent granted August 2018.

PT18/013/SCR Temporary use of 14.45 ha o land at the former Filton Airfield for general storage, events, cabins and depot uses, for a period of no longer than 10 years. Screening opinion issued 21.6.18 – ES NOT required.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council
No objection.

4.2 Other Consultees
SGC Drainage – Lead Local Flood Authority
No objection.

SGC Highway Engineer

No objection Detailed comments can be found in the *Analysis* section of this report.

SGC Ecologist

When the application was originally submitted, the Council's ecologist advised that application needed to include an addendum to the badger survey report demonstrating how it will accord with the agreed mitigation strategy and the licensing provisions of the Protection of Badgers Act 1992 and whether development will trigger the need for an artificial sett as indicated within the report. Following this, further information was submitted by the applicant and there is now no ecological objections to the application. Detailed comments can be found in the Analysis section of this report.

SGC Highway Structures

No comment.

Environmental Protection

Contamination:

At the request of the EPO, additional information has been provided in relation to the possible types of temporary events that might take place within the application boundary.

It is understood that the temporary activities proposed under this application include general storage including of cars, containers and building materials; cabins/depot uses and “temporary events” such as ‘fun Runs’ and small local festivals.

Under the outline application for the whole Filton Airfield development (PT14/3867/O) ground investigations for potential contamination have been carried out and risk assessments and an outline remedial strategy produced for the proposed land uses as detailed in the masterplan for the site.

Some of the proposed temporary uses under this application have the potential to introduce additional contamination (eg from spills/leaks from stored materials or vehicles). There is no objection to the proposal, subject to the following condition:

On cessation of the temporary uses, the areas utilised should be re-assessed in terms of potential contamination to ensure the proposed remedial strategy is still appropriate for the intended future permanent end use. Where additional remediation is required this shall be incorporated into the remediation strategy and the works once completed confirmed as satisfactorily completed in the verification report for that part of the site.

In addition, an informative should be added:

In relation to any temporary events that take place within the temporary use period, the applicant is strongly advised to seek advice from a suitably qualified and experienced contaminated land professional/consultant to assess if there could be any potential risks of contamination to participants and organisers of the events. Where potential risks are identified, appropriate mitigation measures should be put in place.

Noise and nuisance.

In view of the general nature of the proposed uses, here is no objection on the basis that primary legislation (e.g. licensing or statutory nuisance) could be used in the unlikely event of problems with a particular use.

SGC Economic Development

The team recognises that this proposal will generate economic activity, by allowing the site to facilitate a range of temporary uses, including General storage, Temporary events, Cabins and Depot uses. The team acknowledges that this intended use is only temporary, in advance of the delivery of the master plan for the CPNN. We understand that the owners will only offer leaseholds to potential future occupants, in order to avoid alternative future uses, and to ensure the delivery of the master plan of the Airfield

SGC Public Art

The developers could consider some temporary public art to mitigate the appearance of the development.

Other Representations

4.3 Local Residents

Two letters have been received, one objecting to the proposal and the other making comments:

- This is a quiet area and the recycling of concrete and soil would be noisy and dusty and unacceptable to put up with for 10 years. Inappropriate in this residential area, and we were expecting houses and shops.
- The visual effects document requires amendments as Charlton Common is not marked green. In addition a view location should have been provided from the listed Cedar House at the northern end of Charlton Common Lane.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposed development is intended to provide a 'meanwhile use' as the site build- out progresses over a number of years for the consented outline planning permission P14/3867/O which covers a substantial part of the Cribbs Causeway New Neighbourhood development, allocated by Policy CS26 of the adopted Core Strategy.

The NPPG, in relation to the use of planning conditions and temporary consents, advises that 'Under [section 72 of the Town and Country Planning Act 1990](#) the local planning authority may grant planning permission for a specified temporary period only.'

Further, that circumstances where temporary permissions may be appropriate include: '*A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.*'

This is exactly what the current proposal is intended to achieve. Due to the large size of the approved mixed use development on the airfield site as a whole – over 141 hectares- it will take many years to build out, and in particular, due to the general direction of east to west build- out, it will likely be more than 10 years until the far western end of the current application site area will be developed.

In terms of the Council's adopted Core Strategy, Policy CS5 states that most new development will take place within the communities of the North and East fringe of the Bristol urban area. In addition, the development will provide local jobs in the area, which is supported by CS5 as it outlines the importance of local job availability. Further, CS11 – distribution of economic development land- to meet the needs of small businesses, change will be managed on existing development sites to ensure employment uses are retained. The proposals will support local jobs and continue to generate wealth for local businesses. This will assist in strengthening the local economy.

In terms of the NPPF, a core planning principle is the effective use of land by reusing land that has previously been developed (brownfield land) provided that it is not of high environmental value. Therefore as well as the economic benefits already outlined, the proposal would contribute to the a further NPPF

principle by preserving the natural environment by using previously developed land which is not of high environmental value.

Having regard to the above policies and guidance therefore, the development is considered to be acceptable in principle.

Landscaping/visual impact

The application site does not feature any existing vegetation as it is exclusively confined to the hardstanding of the runway and taxiing areas around the engine testing building. There is therefore no impact on existing vegetation.

In terms of any visual effects of the application, the applicant has submitted the visual effects table and wireframe views appendix which as part of the Outline Environmental Statement. The two most relevant views for this current application are 3 and 5 – from respectively, the viewpoint area to close to Vue cinema, and the northern end of Fishpool Hill. The proposed temporary uses will be partially visible from these areas, as well as from closer residential properties, including Catbrain Hill and properties to the south of the runway. It is not considered that there will be a significant visual impact, taking into account the fact that the current application site is not extensively visible in either short or medium distance views. In addition, the site, whilst currently devoid of buildings, has an urban appearance due to the amount of hardstanding and the largely industrial nature of the land to the south, including an existing car storage area close to the southern boundary of the site which provides existing context. It is considered that the context and absence of extensive views into the site, as well as the overall scale of the surrounding outline application site which surrounds the current application site, which in itself provides a visual buffer will mitigate views of stored materials.

The comments of the local resident with regard to the depiction of Charlton Common in the visual assessment are noted, but this has not affected the assessment of the viewpoints as it is background information.

The application is considered acceptable in landscape and visual amenity terms and in compliance with PSP2 of the PSP, and CS1 of the Core Strategy.

Listed Building Issues

It is noted that a local resident has concerns about the view of the site from the listed Cedar House. It is not considered that the setting of the heritage asset is affected by the proposal due to the temporary nature of the development (albeit for up to 10 years) and the distance from the listed building some 150m, and the existing brownfield nature of the application site.

Transportation

Access to the site would be from the Combination junction which connects to the A38 via a traffic signal controlled junction. The applicant has suggested that a traffic budget, monitored by a permanent automatic traffic counter is agreed and this forms the basis of a condition attached to any planning consent.

The Council's transport engineer has no objection in principal with the proposal or with the use of Combination Junction for access to serve these temporary uses. Likewise, it is considered that that use of a 'trip budget' to define the maximum traffic generation of these temporary uses is acceptable. The applicants are suggesting that this budget should be set at about 1,000 trips per day of this access. This is considered to be broadly acceptable.

There is some concern regarding any significant traffic flows during the peak periods. This is because Council data shows that in the AM peak periods, flows on the A38 are approximately 1,900 vehicles southbound and 1,100 Northbound, whereas in the PM Peak they are approximately 1,600 and 1,300 respectively. Therefore, no more than 5% of the trip budget should be allowed to take place in each peak period.

Transport DC has therefore requested a condition on any planning permission granted for these uses this defining this budget and stipulating that the applicant shall be responsible for continuously monitoring this traffic. This would require the installation and maintenance of suitable Automatic Traffic Counting (ATC) equipment in full working order at the applicant's own cost. In addition the applicant is required to provide the Council with six monthly monitoring reports throughout the period these uses are active so that we can ensure the agreed budget is not breached.

It will also be necessary for the access to be appropriately signposted and provided with wheel washing facilities should the temporary uses require them.

Furthermore, it is important that any traffic associated with these temporary uses does not impede the progress of MetroBus services through the CPNN when it starts operating. To this end, alternative access arrangements will need to be agreed with the Council in these circumstances. A condition will therefore be necessary to control this matter in order that the Council can approve these arrangements before they are used. Should changes to the access arrangements require signposting, then this would also require prior approval.

Turning now to the proposed uses, in order to facilitate its future use by the MetroBus, transport DC have concerns about the use of Combination Junction for public access to the CPNN or create the impression that this was to become a permanent means access in future. It is considered that in the event that any temporary events which are open to the general public take place on the site then public access arrangements must be first approved by the Council.

Therefore provided that suitable conditions are imposed to cover all these matters, transport DC does not consider that the proposal is likely to raise any significant highways or transportation issues.

Drainage

The site is within Flood Zone 1 (Low Risk) and the applicant has confirmed that surface water drainage will be disposed of by the existing watercourse. The LLFA has no objection to the application. The site boundary would be located

some 170m from the Henbury Trym watercourse and this distance is not considered to pose a risk to the watercourse from runoff.

Ecology

The application site boundary shows part of the proposed storage areas located close to vegetation (broadleaved woodland, dense scrub) adjacent to the former engine testing facility on the northern boundary of the Outline application site. The badger survey report and mitigation strategy by YTL and dated 17th November 2017 discharging Condition 21 of PT14/3867/O recorded a three-hole, partially active outlying badger sett (3) in that location. Page 16 of the report stated that:-

'As it is likely that Setts 1-4 will be impacted by the proposals it may be necessary to close them under licence from Natural England. Where this is the case, closures would be undertaken by an appropriately licenced ecologist using one-way badger gates for a period of 21 days'.

The application as originally submitted did not include any supporting ecological information. It is not clear whether development would involve clearance of vegetation or use of machinery/storage of materials within a licensable distance of the sett under the Protection of Badgers Act 1992. Additionally, the badger survey report specified that a new artificial sett would be provided to off-set the potential loss of Setts 2, 3 and 4 and the badger survey report showed this as being located near to the dense scrub/broadleaved woodland and thus close to an area being proposed for temporary storage.

The applicant was therefore requested to demonstrate how the application will accord with the agreed mitigation strategy and the licensing provisions of the Protection of Badgers Act 1992 and whether development will trigger the need for an artificial sett as indicated within the report.

The applicant subsequently confirmed that monthly ecological monitoring of all ecological aspects of the whole airfield site takes place. The badger sett in the vicinity of the proposed application is still only used sporadically, and as it stands to date no additional evidence suggests that it has been recently used, or indeed utilised for at least 12 months, since the monthly monitoring regime was implemented in July 2017. Nevertheless the proposed application will not impinge on any of the vegetated areas and will be exclusively confined to the hardstanding of the runway and taxiing areas around the engine testing building. Although the actual usage of the area is not fully known at this stage, any possible lettings will not cause any ecological impact, percussion disturbance and will purely be for storage; hours of usage are proposed for between 6a.m-10p.m and although these could be times when badgers are active, the main periods of activity will be avoided.

At present there are no plans to build the artificial sett until there is a direct impact on the setts on the northern boundary; these works will be completed in later phases of the development and achieved under licence so that Natural England are aware of carrying out best practice. The applicant has further

confirmed that monitoring of all setts on site will still continue on a monthly basis and any changes to the territories, layouts of setts etc or potential further impacts will be picked up and actioned as necessary.

Ecology conclusions

It is considered that the proposed development will not adversely impact upon any of the badger setts already present on site. There are no ecological constraints to granting planning permission.

Environmental Health

Contamination

As noted in the consultation section above, there are no objections from the Contamination Environmental Protection Officer (EPO) provided a condition is imposed which requires the application site to be reassessed for contamination. The temporary activities proposed under this application include general storage including of cars, containers and building materials; cabins/depot uses and “temporary events” such as ‘fun Runs’ and small local festivals.

Under the outline application for the whole Filton Airfield development (PT14/3867/O) ground investigations for potential contamination have been carried out and risk assessments and an outline remedial strategy produced for the proposed land uses as detailed in the masterplan for the site.

Some of the proposed temporary uses under this application have the potential to introduce additional contamination (eg from spills/leaks from stored materials or vehicles. There is no objection to the proposal, subject to a condition requiring the areas utilised to be re-assessed in terms of potential contamination to ensure the proposed remedial strategy is still appropriate for the intended future permanent end use.

In addition, an informative should be added to require, in relation to any temporary events, the applicant is advised to seek advice from a suitably qualified and experienced contaminated land professional/consultant to assess if there could be any potential risks of contamination to participants and organisers of the events. Where potential risks are identified, appropriate mitigation measures should be put in place.

Subject to this condition therefore, the proposal is acceptable from a contamination point of view and accord with Policy PSP21 of the PSP.

Noise, dust and residential amenity

The nearest residential properties are located at Paynes Orchard at some 130 metres from the application site, and Fishpool Road dwellings are 100m distant. The Catbrian Hill dwellings are some 140m to the north. It is considered that due to these distances, the proposed uses would not significantly impact on these dwellings. The Council's EPO has advised that in view of the general nature of the proposed uses, here is no objection on the basis that primary legislation (e.g. licensing or statutory nuisance) could be used in the unlikely event of problems with a particular use. Furthermore, the applicant has provided, in the planning statement, a complaints procedure whereby any complaints regarding noise, odour or dust are to be dealt with. It is considered necessary to condition the implementation of this due to the generalised nature

of the proposed temporary uses, and the proposed operating hours of 06:00 to 22:00 Monday to Saturday.

Policy PSP8 requires development proposals to not have an unacceptable impact in terms of noise and disturbance and odours and fumes. Policy PSP21 relates to environmental pollution and includes noise and fumes to be considered. It is considered that subject to the above mentioned conditions, these policies are complied with and there will be no significant impact on residential amenity.

Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to this planning application, it is considered to have a neutral impact.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission be GRANTED, subject to the following conditions:

Contact Officer: Helen Ainsley
Tel. No. 01454 863643

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30th September 2028 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Policy CS26 of the adopted South Gloucestershire Core Strategy which allocates the site for a new major mixed use community.

2. The Complaints Procedure contained in Appendix 1 of the Planning Statement (Version 1.2 YTL Developments (UK) Ltd) shall be fully adhered to all times.

Reason: In the interests of residential amenity and to accord with Policies PSP21 and PSP8 of the adopted Policies Sites and Places Plan.

3. On cessation of the temporary uses hereby approved, the areas utilised should be re- assessed in terms of potential contamination to ensure the proposed remedial strategy is still appropriate for the intended future permanent end use. Where additional remediation is required this shall be incorporated into the remediation strategy and the works once completed confirmed as satisfactorily completed in the verification report for that part of the site.

Reason:

In the interest of public safety as a potential result of land contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

4. The use of the development hereby permitted shall be restricted to the following hours of use:

Mon- Sat 0600 hrs to 2000 hrs

Outside these hours, the only activities which will be permitted are maintenance works and general office use.

Reason: In the interests of residential amenity and to accord with Policies PSP21, PSP35 and PSP8 of the adopted Policies Sites and Places Plan.

5. Prior to the first use of the development hereby approved, the applicant shall install and maintain Automatic Traffic Counting (ATC) equipment in full working order at their own cost to monitor the traffic entering and leaving the site. The Applicant must also provide the Local Planning Authority with six monthly monitoring reports throughout the period these uses are active to ensure the temporary uses increase the traffic flows on the A38 by no more than 5% of the total trips in each peak period.

Reason: In the interests of highway safety and the amenity of the area, and to accord with Policies CS8 of the adopted South Gloucestershire Local Plan: Core Strategy and in the interests of transport impact management and Policy PSP11 of the adopted Policies Sites and Places Plan.

6. The applicant shall to install and maintain appropriate access signposting on all temporary accesses and provide all egress points with suitable wheel washing facilities should the temporary uses require them.

Reason: In the interests of highway safety and the amenity of the area, and to accord with Policies CS8 of the adopted South Gloucestershire Local Plan: Core

Strategy and in the interests of transport impact management and Policy PSP11 of the adopted Policies Sites and Places Plan.

7. The applicant shall ensure that any traffic associated with these temporary uses does not impede the progress of MetroBus services through the application site when its operations commence.

Reason: In the interests of highway safety and the amenity of the area, and to accord with Policies CS8 of the adopted South Gloucestershire Local Plan: Core Strategy and in the interests of transport impact management and Policy PSP11 of the adopted Policies Sites and Places Plan.

8. Should changes in the proposed access arrangements be required at any time, any alternative access arrangements shall be first approved in writing by the Council and will thereafter be subject to the requirements of conditions 7, 8 9 and 10 pursuant to this planning permission prior to first use.

Reason: In the interests of highway safety and the amenity of the area, and to accord with Policies CS8 of the adopted South Gloucestershire Local Plan: Core Strategy and in the interests of transport impact management and Policy PSP11 of the adopted Policies Sites and Places Plan.

9. In the event that any temporary events which are open to the general public take place on the site then the location of the public access point from the public highway must be first approved in writing by the Council.

Reason: In the interests of highway safety and the amenity of the area, and to accord with Policies CS8 of the adopted South Gloucestershire Local Plan: Core Strategy and in the interests of transport impact management and Policy PSP11 of the adopted Policies Sites and Places Plan.

10. Prior to the first use of the part of the site adjoining the area of woodland and trees located to the north of the site, protective fencing shall be erected along the boundary of the application site in this area.

Reason: To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP2 of the adopted South Gloucestershire Policies Sites and Places Plan.

11. The development shall conform in all aspects with the approved plans and documents as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision. FAD-YTL-000-XX-PL-K-00003,4,5,6, and 6A

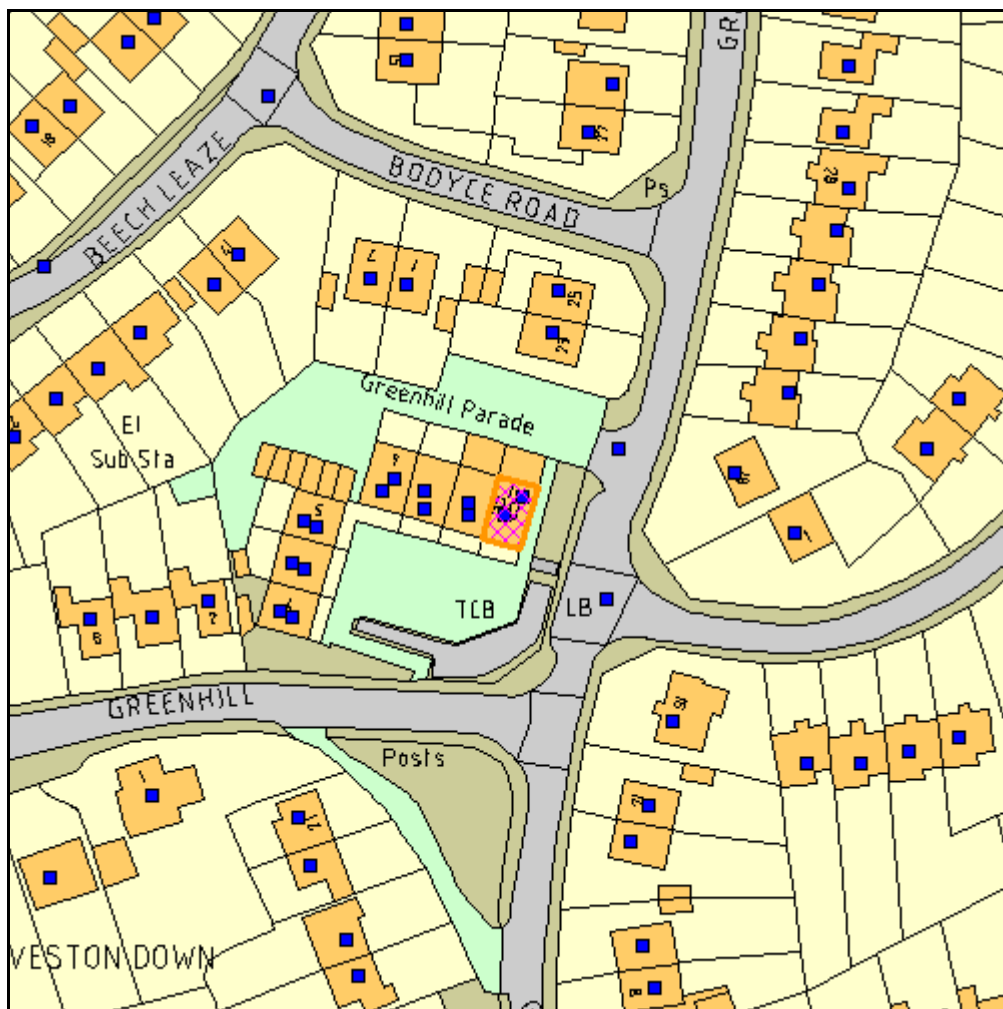
Reason: For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

Informative:

In relation to any temporary events that take place within the temporary use period, the applicant is strongly advised to seek advice from a suitably qualified and experienced contaminated land professional/consultant to assess if there could be any potential risks of contamination to participants and organisers of the events. Where potential risks are identified, appropriate mitigation measures should be put in place.

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PT18/2673/ADV	Applicant:	Cardtronics UK Ltd Cardtronics UK Ltd trading as Cashzone
Site:	1 Greenhill Parade Alveston Bristol South Gloucestershire BS35 3LU	Date Reg:	5th July 2018
Proposal:	Retention of display of 1 no. internally illuminated static fascia sign	Parish:	Alveston Parish Council
Map Ref:	363244 188037	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	27th August 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the retention of 1 no. internally illuminated static fascia sign at 1 Greenhill Parade, Alveston.
- 1.2 The application site consists of an ATM installed within the shop front of Alveston Post Office. The ATM is a modern design with a black and green halo illuminated surround signage with white internally illuminated lettering. The site is located on a corner unit within Greenhill Parade.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Shopfronts and Advertisements SPD (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/2675/F – Approved - 22.08.2018
Installation of ATM machine and associated works (Retrospective)
- 3.2 PT09/1114/F – Approved - 23.07.2009
Erection of first floor rear extension to provide additional store room and office, with associated works.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No Objection

4.2 Sustainable Transport
No Objection

Other Representations

4.3 Local Residents

This application was subject to 1 letter of objection. This is summarised below.

- Object to the brightness of the lights surrounding the cashpoint. At night the brightness is excessive.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a Local Planning Authority shall exercise its powers under these Regulations in the interests of amenity and public safety. The National Policy Framework (NPPF) states that those advertisements which clearly have an appropriate impact on a building or their surroundings should be subject to a Local Planning Authority's detailed assessment. Para. 67 of the NPPF sets out what should form such an assessment, consequently, this application will be considered with regard to amenity and public safety, as well as the advertisements cumulative impact.

5.2 Design and Visual Amenity

The application site consists of an ATM installed within the shop front of Alveston Post Office. The ATM is a modern design with a black and green halo illuminated surround signage with white internally illuminated lettering. The site is located on a corner unit within Greenhill Parade. This application is for the retention of the existing ATM that was installed on the 27th September 2017.

5.3 The ATM fascia sign would be of a standard design with Cashzone polycarbonate black and green illuminated surround signage with illuminated white lettering and halo illumination. An illuminated green acrylic Cashzone sign with white lettering will be located at the top of the ATM. The proposal is typical of signage found within the surrounding area, it is not considered to have a material impact on visual amenity and is therefore deemed to be acceptable

5.4 Overall, the proposed signage is considered appropriate in terms of scale, design and finish.

5.6 Public Safety and Residential Amenity

The proposed signs are not considered to be adversely distracting or impeding to motorists or pedestrians and as such there are no transportation objections. The case officer does not consider the proposal to impact on any residential

properties within close proximity to the application site. Therefore, the proposal is not considered to be detrimental to public safety or residential amenity.

5.7 It is noted that a neighbour has raised objections in regards to the brightness of the proposal being excessive during night-time hours. A condition will be attached to any decision, restricting the hours on illumination.

5.7 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application is **APPROVED**.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

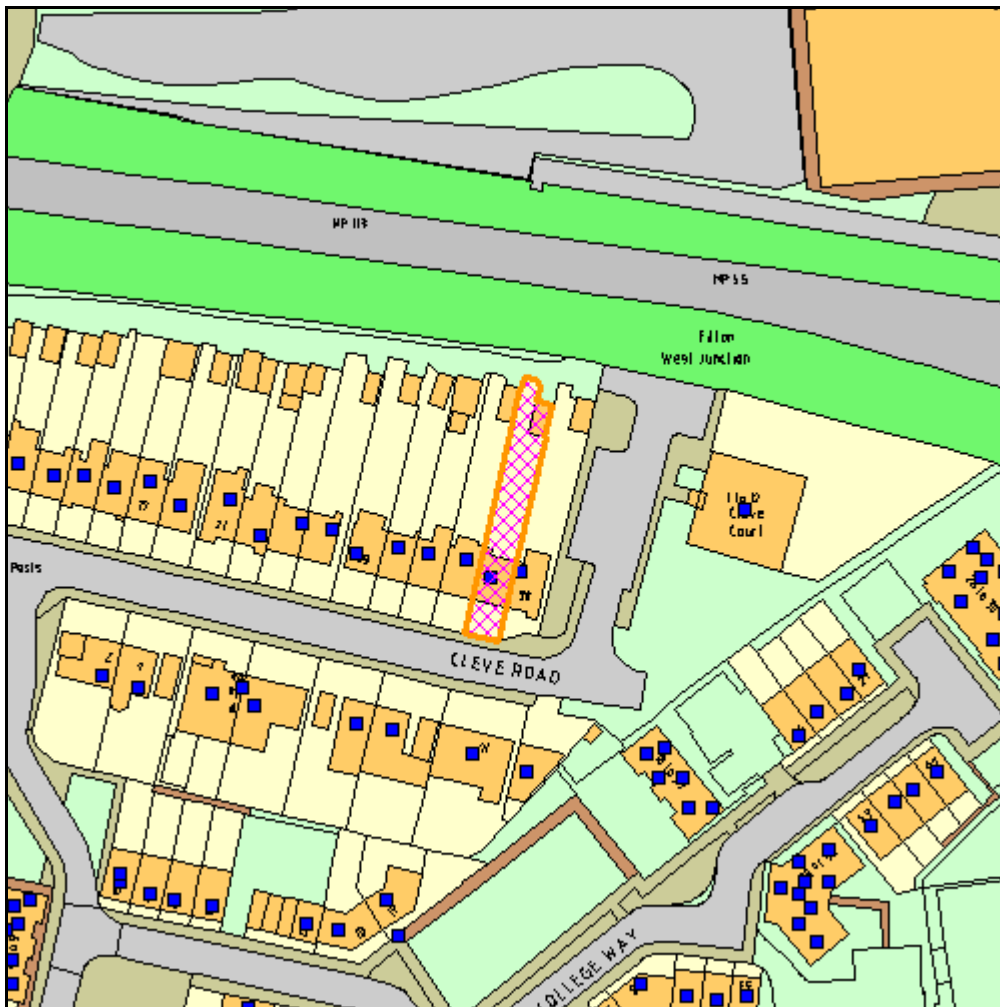
1. The advertisements hereby permitted shall not be illuminated between the hours of 01:00 and 05:00 daily.

Reason

To minimise disturbance to occupiers of nearby residential property and to accord with Policy PSP8 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PT18/3079/CLP	Applicant:	Ms Xue
Site:	37 Cleve Road Filton Bristol South Gloucestershire BS34 7QF	Date Reg:	18th July 2018
Proposal:	Erection of front porch.	Parish:	Filton Town Council
Map Ref:	360548 179855	Ward:	Filton
Application Category:		Target Date:	12th September 2018



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 100023410, 2008. N.T.S. PT18/3079/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a front porch at 37 Cleve Road Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 A concurrent application is also being assessed for a front porch at 35 Cleve Road Filton (PT18/3080/CLP).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class D.

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
None received.

Other Representations

- 4.2 Local Residents
One support comment was received however this was from the immediate neighbour who is sharing the overall development.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 All received on 4th July 2018

Location Plan
Drawing No. 0001

Block plan
Drawing No. 0002

Existing and Proposed Plans

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The first issue is to determine whether the proposed erection of a front porch falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class D of the GPDO 2015; which permits the erection or construction of a porch outside any external door of a dwellinghouse provided it meets the criteria set out below:

D.1 **Development is not permitted by Class D if –**

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) **The ground area (measured externally) of the structure would exceed 3 square metres;**

As shown on the submitted plans the ground area would be 2.6m.

- (c) **Any part of the structure would be more than 3 metres above ground level;
or**

The maximum height of the structure would be 3 metres.

- (d) **Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.**

The proposed porch would not be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

7. **RECOMMENDATION**

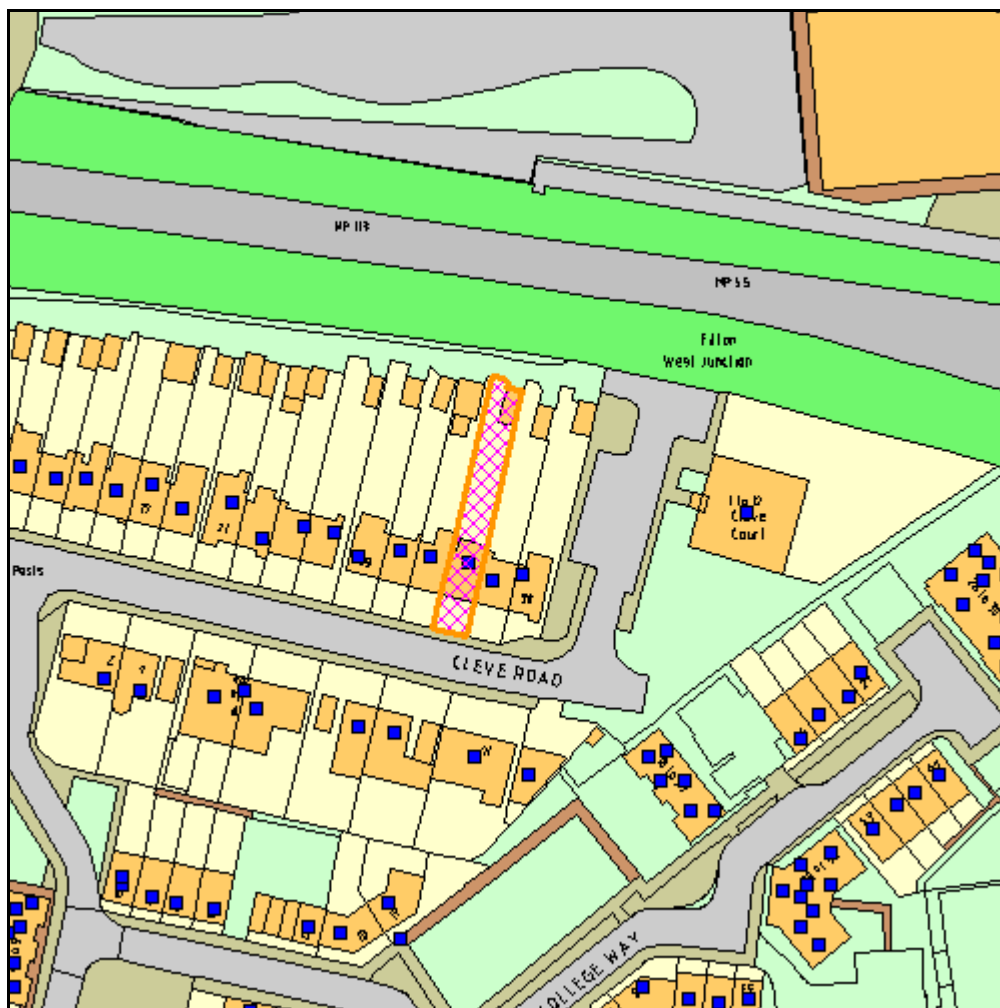
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason(s):

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a front porch does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class D of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 36/18 – 07 SEPTEMBER 2018

App No.:	PT18/3080/CLP	Applicant:	Mr Andrews
Site:	35 Cleve Road Filton Bristol South Gloucestershire BS34 7QF	Date Reg:	18th July 2018
Proposal:	Erection of front porch.	Parish:	Filton Town Council
Map Ref:	360544 179858	Ward:	Filton
Application Category:		Target Date:	12th September 2018



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 100023410, 2008. N.T.S. PT18/3080/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a front porch at 35 Cleve Road Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 A concurrent application is also being assessed for a front porch at 37 Cleve Road Filton (PT18/3079/CLP).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class D.

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
None received.

Other Representations

- 4.2 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 All received on 4th July 2018

Location Plan
Drawing No. 0001

Block plan
Drawing No. 0002

Existing and Proposed Plans

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The first issue is to determine whether the proposed erection of a front porch falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class D of the GPDO 2015; which permits the erection or construction of a porch outside any external door of a dwellinghouse provided it meets the criteria set out below:

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The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) **The ground area (measured externally) of the structure would exceed 3 square metres;**

As shown on the submitted plans the ground area would be 2.6m.

- (c) **Any part of the structure would be more than 3 metres above ground level;
or**

The maximum height of the structure would be 3 metres.

- (d) **Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.**

The proposed porch would not be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

7. **RECOMMENDATION**

7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason(s):

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a front porch does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class D of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131